### UNITED STATES DISTRICT COURT: EASTERN DISTRICT OF VIRGINIA

PATRICIA A. DAVIS, PAUL R. DAVIS JR ESTATE, PAUL R DAVIS SR. ESTATE, RUTH E. DAVIS ESTATE, PAUL R. DAVIS ET AL.

### Additional evidence filed for DAVIS ESTATE, PAUL R. DAVIS ET AL. 120 Kidd Blvd

120 Kidd Blvd

Norfolk VA 23502 Date: June, 21, 2024

Case No.:

COMMONWEALTH OF VIRGINIA

202 N 9th St, RICHMOND, VA 23219

V.

**COMMISSIONER OF HIGHWAYS** 

VIRGINIA DEPT OF TRANSPORTATION

1401 E. BROAD ST.

**RICHMOND VA 23219** 

V.

BROCK FARMS REALTY INC.

303 34TH ST.

**VIRGINIA BEACH VA 23451** 

V.

CITY OF NORFOLK

810 UNION ST.

NORFOLK VA 23510

### UNITED STATES DISTRICT COURT: EASTERN DISTRICT OF VIRGINIA

### HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION

723 WOODLAKE DR.

CHESAPEAKE, VA 23320

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### THOUGHT LEADERSHIP

Alerts

Published: June 27, 2019

### Services

Construction & Design
Construction Litigation
Public Law

### Industry

Real Estate, Development & Construction

### **Professionals**

Katharine D. David

Houston: 713.525.6258

kate.david@ huschblackwell.com

Jeffery T. Nobles

Houston: 713.525.6239

jeff.nobles@ huschblackwell.com

Mike Stafford

Houston: 713.525.6259

### **Property Owners May Now Bring Takings Claims Directly to Federal Court**

### **Key Point**

 Property owners may now bring a regulatory takings or inverse condemnation claim in federal court without first exhausting state court remedies, overruling Williamson County.

On June 21, 2019, the U.S. Supreme Court ruled that property owners who have had their property taken by state or local governments without compensation may file a Fifth Amendment takings claim in federal court without first having to exhaust remedies in state court. The decision, *Knick v Township of Scott, Pennsylvania*, No. 17-647, overruled *Williamson County Regional Planning Commission v Hamilton Bank of Johnson City*, 473 U.S. 172, an oft-criticized precedent that required takings claims to first be heard in state court.

Under the Fifth and Fourteenth Amendments to the U.S. Constitution, a property owner has a "takings" claim against the government when government action (such as a regulation) goes too far in restricting the owner's use. Williamson County created two procedural prerequisites to bringing a takings claims in federal court: (1) the "final decision" requirement, holding that the government had to have made a final decision on what uses were allowed to the owner under the government regulation; and (2) the owner must have been denied compensation by the government, and sued the government in state court first (the "state litigation" requirement).

The Catch-22 was that, under other Supreme Court precedent, if a landowner lost in state court, the owner's claim was barred in federal court. It is this Catch-22 that the Supreme Court addressed, and resolved, in *Knick*.

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### **HUSCH BLACKWELL**

Knick owned 90 acres of rural residential land with a small burial site. She was fined by the Township of Scott, Pennsylvania, for allegedly violating a township ordinance that all cemeteries must be kept open to the public during the day. Knick claimed that the regulation deprived her of the full use of her property without compensation and sued in federal court under the Fifth and Fourteenth Amendments—without previously obtaining a final determination on compensation from a state court. Relying on *Williamson County*, the Third Circuit Court of Appeals found that Knick's federal claim was barred because Knick had not been finally denied compensation by a state court.

The Supreme Court reversed and overruled Williamson County's state litigation requirement. The court held that because a takings claim under the Fifth and Fourteenth Amendments is a constitutional claim, 42 U.S.C. § 1983 provides a federal cause of action in federal court, without the need to exhaust state remedies: "A property owner has an actionable Fifth Amendment takings claim when the government takes his property without paying for it."

### What this means to you

Knick significantly changes the landscape for property owners who wish to sue the government for takings or inverse condemnation claims. Those claims may now be brought in federal court without the owner having previously litigated the issue in state court. Those property owners are also entitled to bring a § 1983 claim for the taking in state court if they choose (although such claims would likely be subject to removal by municipal or state defendants). For developers and property owners who claim that strict development regulations or zoning rules have the effect of "taking" their property, those parties now have access to the federal courts.

From the perspective of a government entity, Knick does not create new causes of action or additional liability, but it does expose the government to proceedings in federal court rather than state court. And *Williamson County's* "final decision" requirement is still good law. Claims brought before the government entity has made a final determination of what uses will still be permissible are not ripe.

### Contact us

If you have questions about this update or how it might affect your business, contact Kate David, Jeff Nobles, Heidi Rasmussen, Mike Stafford, Ben Stephens or your Husch Blackwell attorney.



810 Union Street, Room 402 Norfolk, Virginia 23510 (757) 664-4732

February 4, 2019

Paul R and Patricia A Davis 120 Kidd Boulevard Norfolk, VA 23502

RE: 120 Kidd Boulevard

Dear Mr. and Mrs. Davis,

A question was raised by your son regarding the rear boundaries of your lot located on the east side of Kidd Boulevard adjacent to Newtown Creek. Our research has confirmed that, by certain deeds of correction recorded around 1956, many of these lots have property lines that extend beyond those depicted on the original subdivision plat entitled "Subdivision of Part of McGinnis Tract, River Forest Shores". The property lines for the affected lots actually extend to the western shoreline of Newtown Creek. These deeds of correction were evidently overlooked by city employees at the time. As a result, even though certain property owners on the east side of Kidd Boulevard owned the property, they were not assessed for the land within the extended area.

Our office authorized a re-delineation of the parcel boundaries for the affected properties. Your property at 120 Kidd Boulevard is affected; however, because the additional land area (approximately 17,593 square feet) adds little additional utility to the use of your property, any land value change due to the extension of the parcel boundaries should be less than \$5,000. I have enclosed "before and after" maps of the affected parcels which should illustrate the changes.

The effective date of the parcel boundary extension is 7/1/2019.

This office is completing its work for the 2019 reassessment of real estate. Assessment notices will be mailed in mid-March 2019. Your 2019 assessment for 120 Kidd Boulevard has not been finalized, which is the reason I cannot be more specific at this point about the value of land. The overall value (land and buildings) of your property might experience a change in value due to market conditions external to the issue of parcel boundaries.

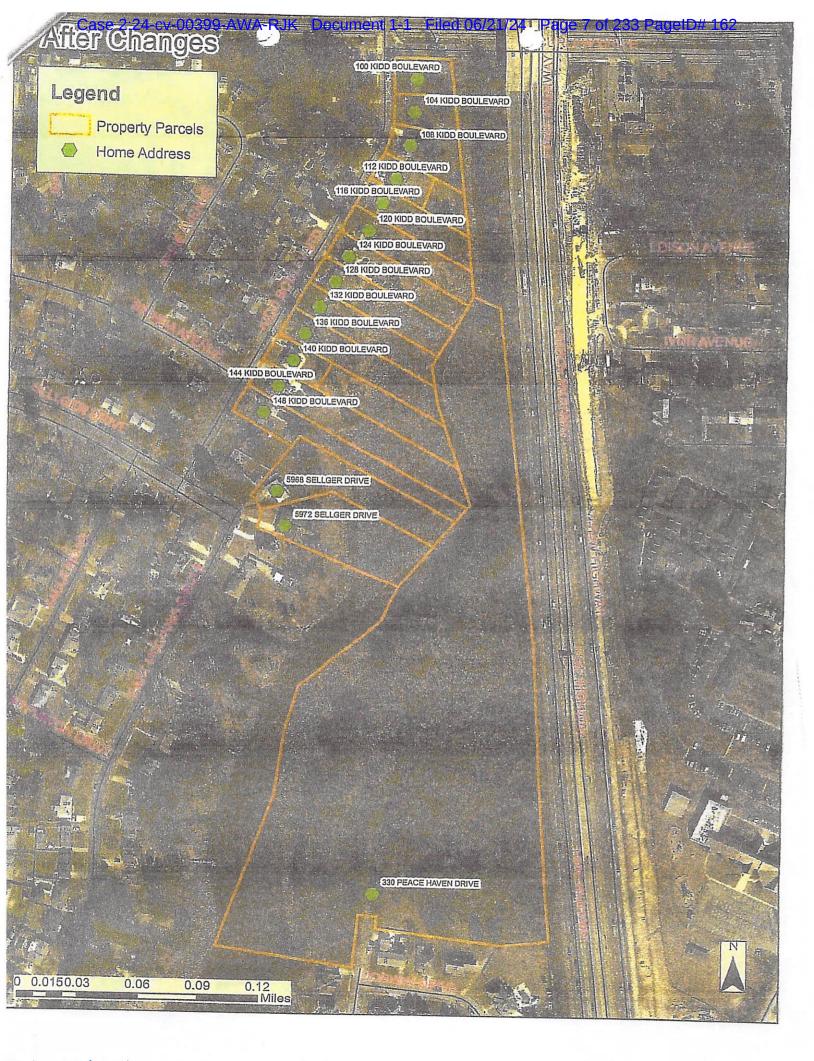
Please feel free to contact this office if you have questions or concerns in this matter.

Sincerely.

William A (Pete) Rodda, CAE, RES

Real Estate Assessor





Mr. Byler (Gary),

Thanks for your quick response.

I have just completed a thorough review and I would like an opportunity to sit down with you to share it and explain it to you.

Basically said, Mr. Davis is correct in that he does own the property behind his platted lot (all the way to the middle of the creek).

However, he is incorrect in his statement that the City has made a claim to or taken any of his property.

Please let me know when you might have some time soon for me to review this matter with you.

If it is convenient, we can meet in my office here at City Hall.

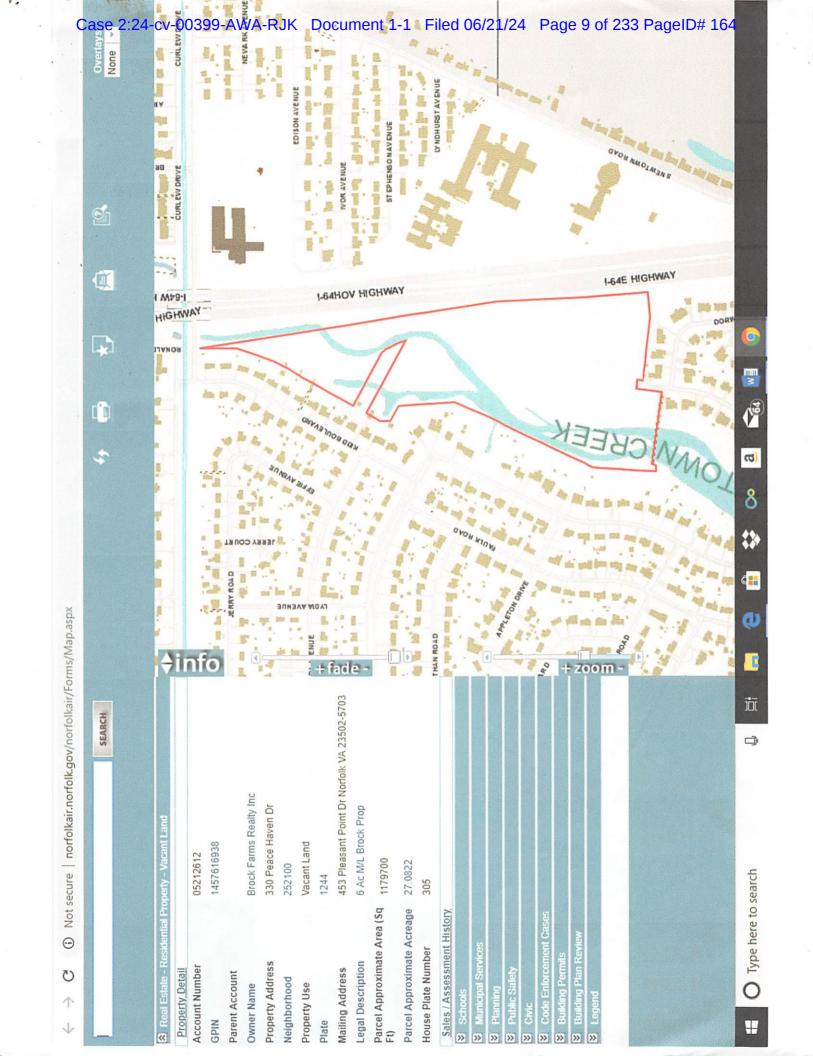
I look forward to hearing from you.

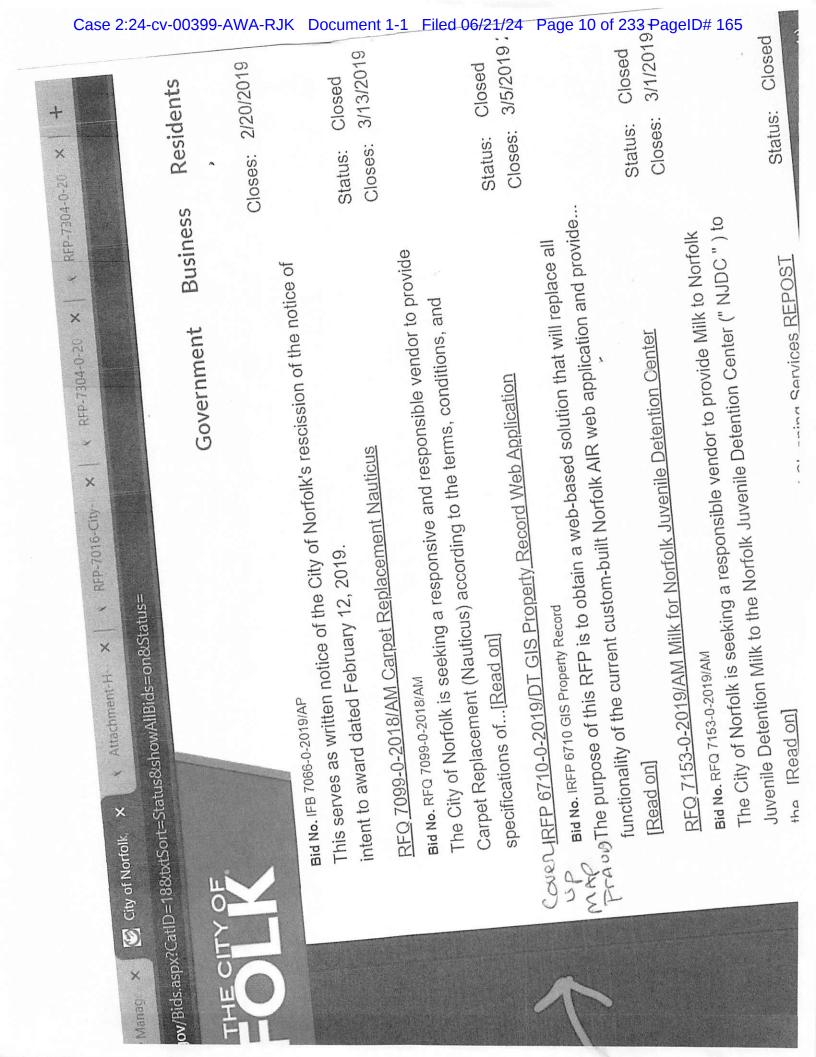
Thanks,

Alex H. Pincus
Assistant City Attorney
810 Union Street, Suite 900
Norfolk, VA 23510

E-Mail Address: alex.pincus@norfolk.gov Phone: 757-664-4529 Direct: 757-664-4213

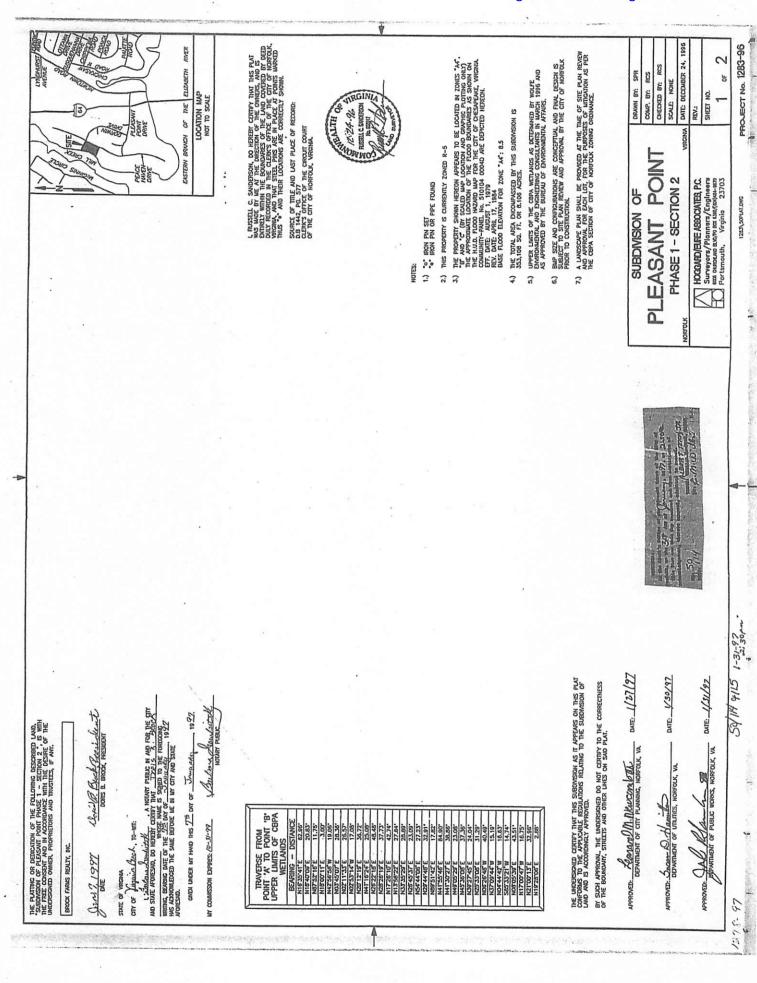
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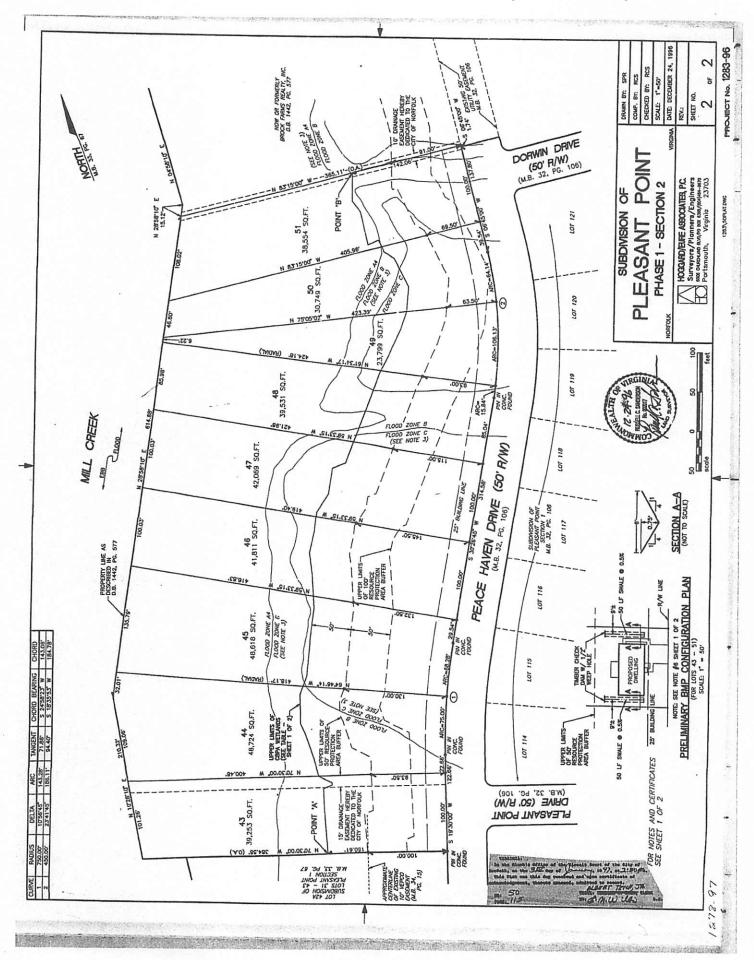


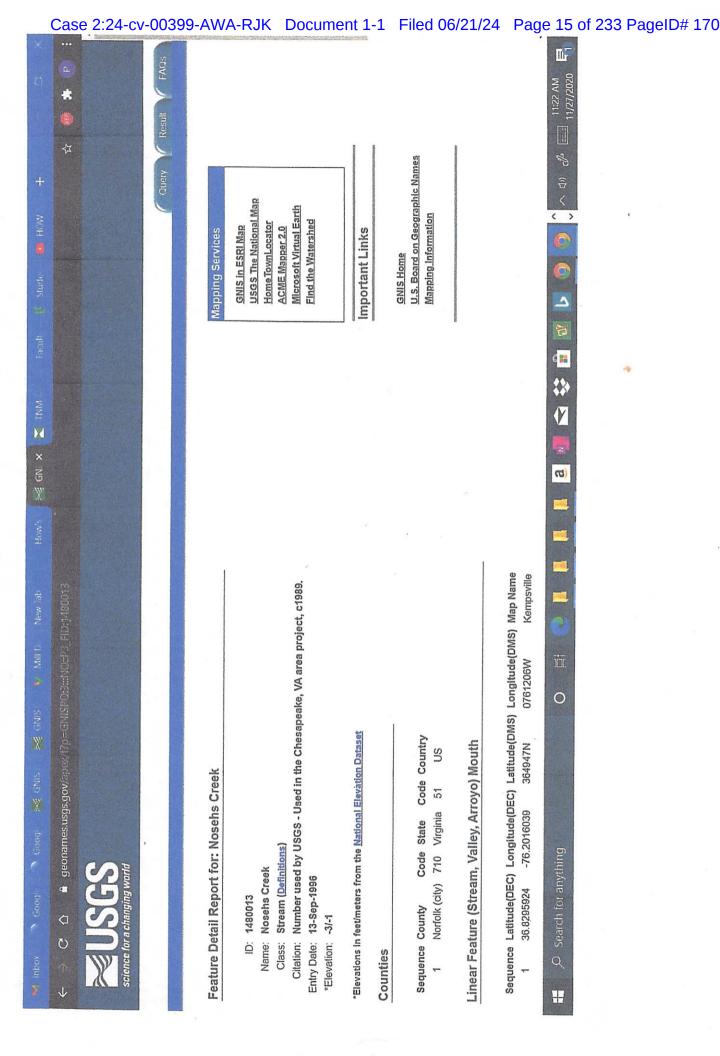




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BOOR: 501 PAGE 396

WILLIAM R. PEFLEY, ET UX TO ( B. & S. PAUL R. DAVIS, ET UX

TAN \$19.95

4974

THIS DEED, Hade this 24th day of June, 1957, between WILLIAM R. PEFLEY and DOROTHY E. PEFLEY, his wife, parties of the first part, and PAUL R. DAVIS and RUTH E. DAVIS, husband and wife, parties of the second part.

WITNESSETH: That for and In consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey, with general warranty, unto the said parties of the second part, as tenants by the entiraties with the right of survivorship as at common law, the following property, to-wit:

All that certain lot, piece or parcel of land and all of the property and riparian and other rights in and to the property extending beyond Lot 3 unto the center of Mill Creek, as described in the deed of Benjamin 1. Backus et ux, to the McGinnis Industrial Center, incorporated dated May 20th, 1949, and recorded in the Clerk's Office of the Circuit Court of Princess Anne County, Virginia, in Deed Book 263, at page 459, situated in the County of Princess Anne, Virginia, Kempsville Magisterial District, known and numbered as LOT THREE [3], in BLOCK A of Section 1, as shown on the plat of "Subdivision of part of McGinnis Tract, River Forrest Shores, Princess Anne County, Virginia", made by Philip B. Freeman, C.E., dated June, 1952, which plat is duly of record in the aforesaid Clerk's Office in Map Book 32, at page 6, reference to which is hereby made for a more particular description of the said property.

It being the same property conveyed to the said William R. Peffey by deed of Hugo E. Seliger and A. Edna Seliger, dated June 26, 1956, and duly recorded in said Clerk's Office in Deed Book 479, at page 490.

This conveyance is made subject to the conditions, restrictions, easements and reservations of record, if any, affecting the aforesaid property and constituting constructive notice.

The said parties of the first part covenant that they have the right to convey the said property to the grantees; that the said grantees shall have quiet and peaceable possession of said property, free from all encumbrances; that they, the said parties of the first part, have done no act to encumber the said property; and that they, the said parties of the first part, will execute such further assurances of the said property as may be requisite.

Witness the following signatures and seals:

William R. Pefley (SE

William R. Pefley

Dorothy E. Befley

SE

: BOOK 501 PAGE 397

STATE OF VIRGINIA

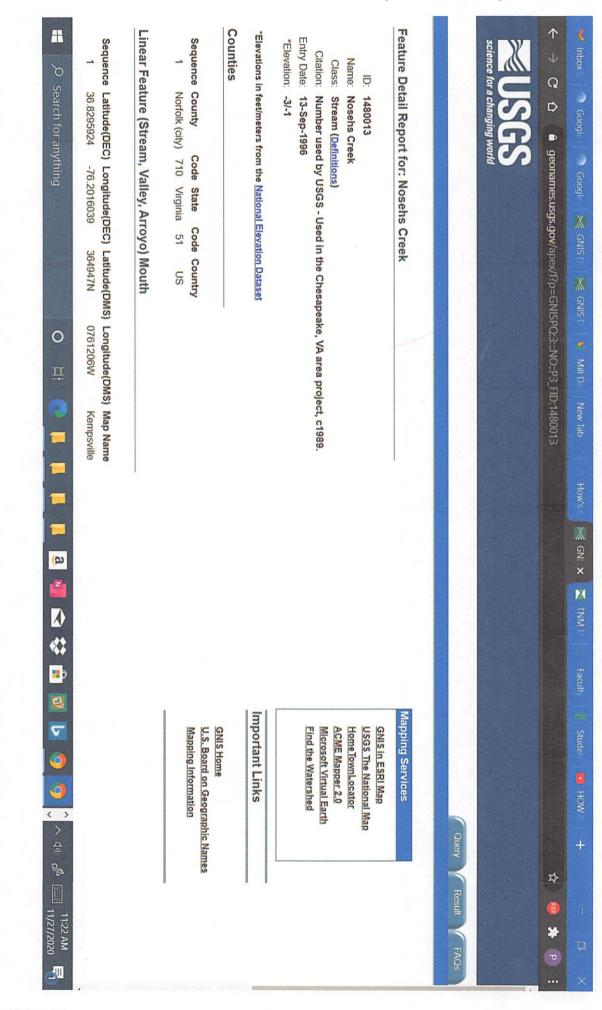
CITY OF NORFOLK, to-wit:

i. John Bosenes, a Notary Public in and for the City and State aforesaid, whose notarial commission expires on the 20th day of Sestember 19 60 , do hereby cartify that William R. Pefley and Dorothy E. Pefley, whose names are signed to the writing above bearing date on the 24th day of June, 1957, have acknowledged the same before me in my City and State aforesald.

Given under my hand this 2 400 day of June, 1957u.

In the Clerk's Office of the Circuit Equal of Princess Anne County, on the 2 4 th. on the certificate of acknowledgment thereto annexed, admitted to record.

TESTE: JOHN V. FENTRESS, Clerk



### I-64/264 Interchange Project Summary Risk Workshop Report

December 9, 2014

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### **Executive Summary**

The Virginia Department of Transportation ("VDOT") conducted a one-day, facilitated risk workshop for the I-64/264 Interchange Project on Monday, November 17, 2014. The workshop was held at the Hampton Roads District offices in Suffolk, Virginia. Michael Loulakis (President, Capital Project Strategies, LLC) facilitated the workshop, which was attended by 28 individuals from VDOT, Hampton Roads Transportation Accountability Commission ("HRTAC"), the Federal Highway Administration ("FHWA"), and Project consultants.

Workshop attendees were organized into four groups that generally corresponded to their Project responsibilities: (1) design and environmental; (2) construction and operations; (3) right-of-way ("ROW"), utilities, and public relations; and (4) programmatic. Project risks were organized into the following categories:

- Design (Roadway, Bridge, and Structures)
- Drainage
- ROW and Utilities
- Environmental
- Geotechnical
- Construction
- Stakeholder Coordination
- Public Relations
- Programmatic

As set forth in the Project Risk Register (attached as Exhibit 2), the workshop participants identified a total of forty-five (45) individual risks, based on the assumption that the Project would be delivered through a design-bid-build process. Participants were asked to rank each risk through the following criteria, with the "Probability" category reflecting the likelihood that the risk would materialize:

		Rank	
	1	2	3
Probability	Low	Medium	High
Cost Impact	< \$1 mm	\$1 mm to < \$10 mm	> \$10 mm
Schedule Impact	< 1 month	1 month - 6 months	> 6 months

Participants found the following six (6) Project risks to be the most significant:

- Ramp D-7
- Potential need to acquire additional property
- · ROW and utilities
- Maintenance of Traffic ("MOT") and sequencing of construction ("SOC")
- Aggressive schedule to meet June 2017 advertisement date
- Project's fixed budget

Of the above risks, the most significant was considered to be the aggressive schedule to meet the June 2017 advertisement date.

Each of the above risks has a high level of complexity and the potential, if not resolved or mitigated, to have a major impact on the Project's cost and/or schedule (i.e., both the pre-advertisement schedule and the post-award schedule). Importantly, several risks are highly dependent upon and influenced by other risks, with the most notable being: (a) the aggressive schedule to meet the advertisement date; and (b) the Project's fixed budget. These two risks were perceived to impact resource allocation, quality of work, post-award risk of change orders, and a variety of other issues.

This Summary Report elaborates upon the approach taken for conducting the workshop and the workshop results. It also identifies key next steps resulting from the workshop.

### **Risk Workshop**

### Risk Analysis Generally

A risk is any uncertain event that, if it happens, can potentially interfere with successful delivery of a project. While all projects have exposure to risks, some may have more challenging risks than others as a result of a variety of factors (e.g., project technical complexity, the status of funding/financing, and stakeholder acceptance). Risk analysis and risk management generally involve the process of anticipating what risks the project faces, mitigating them to the extent reasonably possible, and having a plan to react to them if/when they occur. Risk management is undertaken throughout the project lifecycle in order to track identified risks, measure the performance of mitigation, identify new risks as they arise, maintain adequate contingency, and capture lessons learned.

The central tool for tracking the above is a risk register created at the very early stages of project development. The risk register is then updated with new and/or closed out risks as the project progresses. The initial assessment of the risks identified in the risk register is qualitative and subsequently updated with quantified values as the project progresses and more project data becomes available.

Importantly, the identification of an uncertainty as a "risk" is not intended to convey that a process is flawed, that somebody should be blamed for doing something wrong, or that someone is not doing his/her job. Rather, it is a management tool that forces project personnel and leadership to think proactively about what could happen — good or bad — that might affect the project and to plan accordingly.

### The November 17, 2014, Risk Workshop

Consistent with the reasons stated above, VDOT Hampton Roads District conducted a one-day, facilitated risk workshop for the Project on Monday, November 17, 2014. The workshop was held at VDOT's Hampton Roads District Offices in Suffolk, Virginia, and its purpose was to identify and prioritize the risks associated with the Project.

Twenty-eight (28) individuals participated in the workshop. The participants included employees from VDOT Central Office, VDOT Hampton Road District Office, VDOT Alternative Project Delivery Office, HRTAC, FHWA, and Project consultants. Michael Loulakis, of Capital Project Strategies, LLC, facilitated the workshop. The participant list is attached as Exhibit 1.

The workshop opened with introductory remarks from Mark Velasquez, the Project's project manager, and an introductory presentation of the Project by Bill Mackey (Kimley-Horn), one of the Project consultants. Mr. Loulakis then facilitated the workshop dividing the participants into four teams of five to seven people at separate tables. Tables were organized into groups that generally corresponded to Project responsibilities: (1) design and environmental; (2) construction and operations; (3) right-of-way ("ROW"), utilities, and public relations; and (4) programmatic. Each team was given a large flip-chart to

record and capture key discussion points during the team modules. Participants were given the following framework to assign impact and priority:

		Rank	
	1	2	3
Probability	Low	Medium	High
Cost Impact	< \$1 mm	\$1 mm to < \$10 mm	> \$10 mm
Schedule Impact	< 1 month	1 month - 6 months	> 6 months

Each team separately identified what it considered to be key project risks, based on the assumption that the project would be delivered under a design-bid-build process. After several hours of table discussion, the facilitator brought all the teams together for a large group discussion, in which the teams went around the room and shared their findings. After lunch, the facilitator asked each team to identify its top five (5) project risks – regardless of whether these risks were in their specific areas of expertise. The facilitator captured these risks on flipcharts, and then asked each person to identify, from his/her own perspective, the top two (2) risks. The following risks were identified by the participants:

- Aggressive schedule to meet June 2017 advertisement date
- · Potential need to acquire additional property
- ROW and utilities
- Project's fixed budget
- Maintenance of Traffic ("MOT") and sequencing of construction ("SOC")

The first risk (aggressive schedule) received the overwhelming majority of votes as the project's biggest risk, followed by the potential need to acquire additional property. The three remaining risks all were considered approximately equal.

After this exercise, the teams then reconvened to assign, for the specific risks they developed on their flipcharts, the impact of these risks based on the prioritization method addressed above. Each team was also asked to identify mitigation strategies for the highest risks.<sup>1</sup>

### Development of the Project Risk Register

The facilitator developed a Project Risk Register (attached as Exhibit 2) that compiled and organized the risks identified during the workshop and documented in the flipcharts developed over the course of the session. The Risk Impact Chart (Summary Level by Impact Score) attached as Exhibit 3A contains a

<sup>&</sup>lt;sup>1</sup> There was some limited discussion during the workshop about whether design-build or CM/GC (i.e., at-risk construction management that involves early contractor involvement) would help mitigate major project risks. Because the intent of the workshop was not to examine the applicability of other delivery systems, these discussions were not complete enough to draw conclusions as to their viability. This is something that is addressed in the Conclusions and Next Steps portion of the Summary Report.

summary of the risks from the Project Risk Register in descending order of impact, with the impact score being calculated as the sum of: (a) degree of importance multiplied by cost impact; plus (b) degree of importance multiplied by schedule impact. The highest impact score under this formula is 18 (3\*3 + 3\*3) and is denoted in red. The "yellow category" is all the impact scores of 8 or less. The "orange category" is everything in between. Items that scored a "3" in any category are blue. The purpose of this is to give a quick synopsis of what are considered to be the top risks to be addressed and monitored over time. The Risk Impact Chart (Sequential Based on Risk Number) attached as Exhibit 3B contains the same information as in Exhibit 3A, but has a brief description of the risk and is listed by Risk Number, in descending order.

### Risks

During the workshop, the following forty-five (45) items were identified as risks, and were generally grouped into the categories of: (a) Design (Roadway, Bridge, and Structures); (b) Drainage; (c) ROW and Utilities; (d) Environmental; (e) Geotechnical; (f) Construction; (h) Stakeholder Coordination; (i) Public Relations; and (j) Programmatic.

Table 1: Risk Summary

Design (Roadway, Bridge & Structures)

- Ramp D-7
- South of Curlew Drive
- Greenwich Overpass
- Pavement design
- · Cross-slope of existing mainline
- · Accuracy of survey information
- · Designing and specifying the ITS

Drainage

- SWM design may be impacted by new regulations
- · Culvert at I-64 and Curlew Drive

ROW and Utilities

- · Potential need to acquire additional property
- · Obtaining approval for Type III Certification
- Ability to manage ROW and utility relocation process within times required by current project schedule
- · Quality of plan sheets
- Effect of weather on ability of private utility companies to perform relocations
- · Dominion Virginia Power
- · Private utility company relocations generally
- Challenges with specific properties

nvironmenta

- Requirement for an Environmental Assessment ("EA")
- Wetland Re-Delineations
- · Ramp D-7 permitting

Seotechnica

- Overall soil quality
- Deep foundations
- Geotechnical conditions south of Curlew Drive

Construction

- Maintenance of Traffic and Sequence of Construction
- Construction access
- · Existing infrastructure assets
- Night work
- Maintaining existing ITS during construction
- Coordination with City of Norfolk and City of Virginia Beach's traffic operations
- · Setting beams over traffic

Stakeholder Coordination

- Witchduck Phase 2 coordination
- · Interface with localities and public agencies
- · Interface with private utilities
- · Future interchange improvements
- HRT coordination

Public Relations

- · Public perception and support
- · Specific acquisitions required for the project
- · Adjacent land users

ogrammatic

- · Aggressive schedule to meet June 2017 advertisement date
- Resource availability given other projects
- · Construction cost estimate
- · Construction market and inflation
- Fixed budget
- Using a single construction contract
- Federal oversight

Each of the above-referenced risks is discussed in the Risk Consequence and Workshop Notes section of the Project Risk Register. Of these risks, the following were considered to be the most likely to occur and to have the greatest impact on cost and schedule, as evident from their scores on the Risk Impact Chart (Exhibit 3B). These risks were also independently considered as the most significant project risks during group discussions.<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> The Ramp D-7 risk was identified by the participants during the workshop as a "Top 5" risk, although it was not chosen by anyone as a "Top 1 or 2" risk.

### Ramp D-7 (Risk 1.01)

Ramp D-7 is one of the most complicated elements of the project. The design of the ramp would require the relocation of a stream and impacts to adjacent wetlands. The small area in which to work complicates the constructability of the ramp. There are also socio/economic impacts associated with this ramp, as it is located in an area with lower income properties.

### Need to acquire additional property (Risk 3.01)

A number of factors could result in the need to acquire additional property, including: (a) design changes and refinement; (b) stormwater management ("SWM") and drainage requirements; and (c) permit requirements. If this occurs, VDOT will need to go through the public involvement process (i.e., have another public hearing to explain what new properties need to be taken). This process will take several months, and compounds the other risks described in the ROW and utility risk category. There is also a major cost and schedule exposure in actually acquiring the additional property. Additional takes or relocations will likely require an Environmental Assessment to be done, which would create a substantial cost and schedule impact.

### ROW and Utilities (Risks 3.02 and 3.03)

In addition to Risk 3.01, two other significant ROW and utility risks were identified. Risk 3.02 addresses the issue of obtaining approval for a Type III Certification (i.e., ongoing ROW acquisition and utility relocations after advertisement). Although this certification is rarely approved, the current schedule is based on getting this approval. Even with this certification, there are some major resource challenges for the ROW division. If the Type III certification is not given, it will likely delay the advertisement date unless the mitigation strategies addressed in this overall category are implemented.

Risk 3.03 addresses VDOT's ability to manage the ROW and utility relocation process within the times required by the current project schedule. This risk category is a function of not only: (a) what is needed to support the current property acquisition/relocation plan; but also (b) new takings and utility relocations that will be required as the design advances. Major internal resource constraints were identified. There is also a concern as to whether support from external resources will meaningfully reduce this risk given the magnitude of this project and the time constraints with the currently scheduled advertisement date, which is considered very aggressive. Failing to solve the resource issue will create the potential for delays to the advertisement date. It will also create the potential for less than high quality work.

### Maintenance of Traffic ("MOT") and Sequencing of Construction ("SOC") (Risk 6.01)

The breadth of the Project creates major challenges with both MOT and SOC. Among the issues to be addressed will be length of work zones and extent/duration of shoulder closures (which could increase both peak and off-peak congestion). Each of these will impact construction durations and productivity

(i.e., cost to the contractor), safety, and public relations. The accelerated schedule creates a risk that the MOT/SOC plans will be rushed.

### Aggressive schedule to meet June 2017 advertisement date (Risk 9.01)

This is considered the biggest risk on the project, as it influences every major element of the project (e.g., ROW acquisition and utility relocation and design development and decisions).

### Fixed budget (Risk 9.05)

It is expected that a budget will be fixed for this project before the start of ROW acquisition and contract advertisement. There are risks that this budget will be exceeded because, among other things: (a) ROW acquisition may cost more than expected; (b) construction prices will be higher than expected because of the project's inherent risks (e.g., MOT and lower competition); and (c) the project contingency in the budget may be lower than appropriate because of pressures faced by management to meet the fixed budget number.

### **Conclusion and Next Steps**

The discussions held were insightful and productive, and identified numerous key risks that should be addressed by the project management team as the Project moves forward. The two programmatic risks identified above (i.e., aggressive schedule and fixed budget) should be carefully assessed by project leadership to determine if there is any flexibility in these requirements. Because many of the other project risks are caused (or exacerbated) by these two risks: (a) mitigation strategies for these two risks should be in harmony with the mitigation strategies for other major project risks, and (b) project leadership should recognize that these two risks create the need for mitigation strategies for the other major project risks.

From the facilitator's perspective, there would be a benefit in having, at a later point in time, a more robust risk workshop that will provide a quantitative risk analysis for the project. This will be particularly helpful in developing project cost contingencies, as increasing the contingency was considered to be a risk mitigation strategy for several major project risks.

Finally, the facilitator was asked to provide an assessment as to whether this project would benefit if the delivery process was converted from design-bid-build to design-build. The answer to this question is complex, as it considers a variety of factors that were not addressed during the workshop. However, based on the status of the project and the risks identified in the workshop, it appears that the use of design-build would likely create more challenges than it would solve.

On the positive side, the use of design-build would likely mitigate Risk 9.01 (aggressive schedule to meet the June 2017 advertisement date). It could possibly mitigate some of Risk 6.01 (MOT and SOC), as there

can be a benefit in having the design-build contractor develop an effective MOT/SOC plan. However, VDOT will confront three specific risks if it decides to convert to design-build at this point in the process:

- The design has already advanced far beyond what would be reasonably associated with an effective design-build procurement. Simply stated, the proper use of design-build envisions that the design will primarily be done by the design-builder, not that the design-builder will be finishing the virtually complete design of the owner. Public owners who try to convert design-bid-build documents to design-build documents face many challenges, including the likelihood for major change orders resulting from conflicts in their bidding documents. Moreover, some designers may decide that the project is too risky to participate they would face potential liability to the contractor as the designer-of-record for ambiguous design documents, yet obtain lower fees because the design would have been largely performed by VDOT.
- The risks associated with ROW (Risks 3.01, 3.02, and 3.03) would not likely be mitigated by the use of design-build. ROW acquisition for the alignment remains a core VDOT responsibility. While there can be some risk sharing mechanisms in terms of how timing of ROW will be handled under design-build, the risk of obtaining ROW ultimately remains with VDOT. The failure of VDOT to timely obtain ROW under a design-build process will likely create a major potential for cost and schedule overruns, as construction is now affected by ROW acquisition. This is not the case in design-bid-build.
- Using design-build will likely exacerbate the risks associated with the acquisition of additional property (Risk 3.01). While responding to an Environmental Assessment will be challenging under design-bid-build, VDOT will still be in control of the process. This appears to be far more complicated under design-build, where construction will likely have started, and VDOT will face the prospects of suspension of work, major changes in sequencing, or terminating the contract for convenience.

As a final consideration, design-build, by its very nature, shifts more discretion and control to the design-build contractor over elements of the project. This may impact other risks identified in the workshop (e.g., public relations).

The above assessment is not intended to state that design-build cannot work on this project given its current status. However, if it is something that project leadership wishes to consider further, it is recommended that a specific discussion take place with VDOT's Alternative Project Delivery Office and others that fully vets the pluses and minuses of its use.

### **Exhibit 1: Participant List**

Hampton Roads District

Mark Velasquez Project Management Office
Bruce Duvall Project Management Office
Salvija Hofheimer Project Management Office

Pete Reilly Assistant District Administrator

Chris Eggleston Structure & Bridge

Mohamed Ali Structure & Bridge

Drew Scott Hydrology & Drainage

Danny Williams
John Deusebio
Materials
Jenny Salyers
Environmental
Randy Friedland
Right of Way
Mike Robinson
Right of Way
Mike Wilder
Utilities

Tim Haynam Traffic Engineering

Mike Johnson Construction
Vasilios Andreou Construction
Bud Morgan Construction
Laurie Simmons Public Affairs

Tony Gibson HRTAC Funding Liaison

Central Office

Joseph Clarke VDOT Alternative Project Delivery Office

Rick Worssam Location & Design
Josh Kozlowski Noise Studies

Various

Jose Granado FHWA Semme Yilma FHWA

Bill Mackey Consultant Designer (UPC 17630)
Stephen Holland Consultant Designer (UPC 17630)
Burt Matteson Consultant Designer (UPC 57048)

constitute besigner (or estrono)

Michael Loulakis Workshop Facilitator (Capital Project Strategies, LLC)

### Exhibit 2: Project Risk Register

# NOVEMBER 17, 2014, RISK ASSESSMENT WORKSHOP I-64/264 INTERCHANGE PROJECT

# PROJECT RISK REGISTER

Cost Impact: Schedule Impact: Explanation of Ratings: Probability: •

3 = high 3 = \$10mm or more 3 = 6 months or more

2 = 1 month to less than 6 months 2 = 10 mm to less than 10 mm 2 = medium

1 = low

= less than \$1 mm = less than 1 month

Page 13

Mitigation Strategies	Mitigation strategies include: (a) cost-re-evaluation under current market conditions for fill vs. retaining wall; and (b) account for higher unit cost of fill material.
Comments/Notes	The issue of whether to use a bridge or a retaining wall with fill has yet to be decided, although it is currently designed with a retaining wall. There is a question of whether there is enough quality fill material available regionally to make this cost effective. Poor soil conditions (Risk 5.01) will have an impact on the design, particularly if the retaining wall option is used.  The retaining wall design is complicated by limited space, poor soil, and availability of adequate quality fill material. While the bridge is likely easier to build, it has cost and constructability issues because of its length, deep foundations and overall complexity (in part due to the need for the short retaining wall that will be a component of the longitudinal bridge abutment/joint).  Because this area is located adjacent to an elementary school in a low income neighborhood, there may be some disruptions to the school that could create public relations risks. There will also likely be some MOT and logistical challenges. It is currently anticipated that fill would be placed from the interstate. However, other materials may be brought in from the adjacent school grounds and/or Curlew Drive.
Schedule Impact	2
Cost Impact	2
Probability	2
Risk Description	South of Curlew Drive
Risk Category	Design (Roadway, Bridge, and Structures)
Risk No.	1.02

3 = high 3 = \$10mm or more 3 = 6 months or more

2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

1 = low 1 = less than \$1 mm 1 = less than 1 month

Risk Category	Risk Description	Probability	Cost	Schedule Impact	Comments/Notes	Mitigation Strategies
Design (Roadway, Bridge, and Structures)	Greenwich Overpass	m	2		There are currently differing opinions on the placement of the Greenwich Overpass in the Sequence of Construction ("SOC"). VDOT ROW & Utilities believes that this should be construction, lack of utility relocation, minimal amount of ROW acquisition. The consultant designer believes this may create issues with Maintenance of discussion.  The MOT/SOC is currently under the project's funding construction of the pier. There is also a possibility, given the project's funding constraints, to remove the Greenwich Overpass entire from the design. This would require confirmation through traffic analysis to ensure that the Witchduck Road Interchange would allocations and the place of construction of the place of construction that widens the construction of any MOT concerns, as the mainline 1-264 lanes could be constructed first, which would limit the MOT issues from the construction of the pier. There is also a possibility, given the project's funding constraints, to remove the Greenwich Overpass entire from the design. This would require confirmation through traffic analysis to ensure that the would function adequately.	The placement of the Greenwich Overpass in the SOC could be combined with the phase of construction that widens the mainline. This would alleviate any MOT concerns, as the mainline I-264 lanes could be constructed concurrently. The approaches for the overpass could also be constructed first, which would limit the MOT issues from the construction of the pier. There is also a possibility, given the project's funding constraints, to remove the Greenwich Overpass entirely from the design. This would require confirmation through traffic analysis to ensure that the Witchduck Road Interchange would function adequately.
Design (Roadway, Bridge, and Structures)	Pavement design	1	-	1	Traffic forecasts have not been updated to reflect the current advertisement date, which may impact the project's pavement design.	Traffic forecasts and pavement design parameters should be updated based on the current project schedule.

3 = high 3 = \$10mm or more 3 = 6 months or more

2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

1 = low 1 = less than \$1 mm 1 = less than 1 month

Risk No.	Risk Category	Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
1.05	Design (Roadway, Bridge, and Structures)	Cross-slope of existing mainline	-	£	ε	The current scope of the project involves adding two additional outside lanes, with no improvements being made to the inside (mainline) lanes. This risk addresses the potential that FHWA may require modifications to the adjacent mainline lanes to address potential slope issues, which would then potentially require that cross-slope modifications be made to all existing eastbound lanes to conform to the latest AASHTO standards. If this risk were to materialize, it could jeopardize the project's viability.	VDOT would address this risk by seeking a Design Exception.
1.06	Design (Roadway, Bridge, and Structures)	Accuracy of survey information	3	-	1	The project's surveys were done long ago. There is a concern that they are outdated and may contain inaccuracies. The risk of inaccuracies is enhanced because the original surveys were done by different surveyors, and there is a risk that these surveys were not accurately integrated.	The survey is currently being updated throughout the project, with the surveyors focusing on areas where there are known changes.
1.07	Design (Roadway, Bridge, and Structures)	Designing and specifying the ITS	E.	-	1	The aggressive schedule may impact the ability to effectively design the ITS and eliminate the risk of vaporware (i.e., creating a specification that may not exist by the time the contractor is ready to procure and install the ITS late in the construction period). This creates the potential for a change order if products are no longer available or not fully supported by the market.	A contingency can be added to the budget to address this risk.

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2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

1 = low 1 = less than \$1 mm 1 = less than 1 month

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Miti	Speeding the project's development will mitigate this risk by going to construction prior to the July 1, 2019 deadline for grandfathered projects.  Additional mitigation strategies are included in the ROW and Utility Risk Category.	Because all options have impact to HRT, the goal is to minimize the impacts. Several alternative culvert designs are being considered to address this risk. Bridge and drainage designs need to be coordinated and finalized. Coordination with HRT and the City of Norfolk will help mitigate this risk.
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/Notes	It is expected that this Project will be "grandfathered" under the performance-based SWM regulations. If this is not the case, and the design is subject to the new runoff reduction SWM regulations, it will require additional design efforts, affecting the budget and schedule. It will also likely require additional construction and property acquisition, compounding the challenges already faced in this area as describe in the ROW and Utility Risk Category.	Five drainage options have been prepared for the culvert at I-64 and Curlew Drive, which all cross under the existing HRT light rail system, creating logistical and design complications. Of these options, som are also located near the existing I-64 bridge abutments, which will further add to constructability complications. Some options would require additions ROW and relocations, putting the current environmental document in jeopardy. Some options are located down Curlew Drive, impacting MOT and existing utilities.
Comments/Notes	that this ed" under based SV he case, he case, new runtions, it visign efforbal con lisition, consistion, cready factor ROW	the culve culve culve culve culve culve culve culve stical and stical and stical and the culve cut
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Schedule Impact	ĸ	2
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scriptio	SWM design may be impacted by new regulations	Culvert at 1-64 and Curlew Drive
Risk Category Risk Description	SWM design me be impacted by new regulations	Culvert at I-64 and Curlew Dr
ategory	ಲ್ಲ	ಲ್ಲ
Risk Cg	Drainage	Drainage
Risk No.	2.01	2.02

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2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

Risk No.	Risk Category	Risk Category Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
3.01	ROW and Utilities	Potential need to acquire additional property		٤	3	A number of factors could result in the need to acquire additional property, including: (a) design changes and refinement; (b) SWM and drainage requirements; and (c) permit requirements. If this occurs, VDOT will need to go through the public involvement process (i.e., have another public hearing to explain what new properties need to be taken). This process will take several months, and compounds the other risks described in this category. There is also a major cost and schedule exposure in actually acquiring the additional property.  Additional takes or relocations will likely require an Environmental Assessment to be done, which would create a substantial cost and schedule impact.	Mitigation techniques are addressed throughout this Risk Register, including: (a) making a policy decision that the current property acquisition plan will not be changed and to design around them; (b) designing the project to minimize the total number of new takes and relocations needed; and (c) acquiring those properties with relocations first during the ROW phase to avoid any additional tenant relocations.

3 = high 3 = \$10mm or more 3 = 6 months or more Schedule Impact:

2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

Risk No.	Risk Category	Risk Category Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
3.02	ROW and Utilities	Obtaining approval for a Type III Certification	m	2	E.	A Type III Certification (i.e., ongoing ROW acquisition and utility relocations after advertisement) is rarely approved. The current schedule is based on getting this approval, which already creates some major resource challenges for the ROW division. If the Type III certification is not given, it will likely delay the advertisement date unless the mitigation strategies addressed in this overall category are implemented.	Mitigating the risk of not obtaining Type III Certification is dependent upon having regular and informed meetings with the Project's executives and ensuring that they understand the consequences of this action. The likelihood of approval is enhanced if there is: (a) a clear, realistic and well-conceived ROW acquisition plan in place; and (b) a well-defined construction sequence limiting the contractor's operations to those areas cleared of ROW and utility relocations. If Type III Certification is not approved, then a mitigation strategy is to delay the advertisement date. If this does not occur, then mitigation would include the items addressed below in this category.

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Mitigation Strategies	Ways to mitigate this risk include: (a) prioritizing this Project internally in relation to the needs of other projects; (b) aggressively bringing on external resources; (c) using a phased ROW acquisition and construction process (which is currently the plan), to prioritize what is needed as of the advertisement date (on the assumption that a Type III Certification process will be approved); and (d) eliminating the potential for relocations by acquiring full-take properties quickly, which would mitigate some of the risk of having to relocate new tenants that move into the property.	The root cause of this risk relates to the need for an accurate survey and plan sheets that support the project schedule. These risks are addressed elsewhere in this Risk Register. The risk could also be mitigated by delaying the NTP for ROW acquisition to conform to what is needed for quality supporting information.
Miti	Ways to mitigate include: (a) prioriproclet internally the needs of other aggressively bring resources; (c) using ROW acquisition construction proccurrently the plan what is needed as advertisement data assumption that a Certification procapproved); and (c) the potential for racquiring full-tak quickly, which we some of the risk or relocate new tenainto the property.	
Comments/Notes	This risk category is a function of not only: (a) what is needed to support the current property acquisition/relocation plan; but also (b) new takings and utility relocations that will be required as the design advances. Major internal resource constraints were identified. There is also a concern as to whether support from external resources will meaningfully reduce this risk given the magnitude of this project and the time constraints with the currently scheduled advertisement date, which is considered very aggressive. Failing to solve the resource issue will create the potential for delays to the advertisement date. It will also create the potential for less than high quality work.	The accelerated speed of the Project creates the potential for inaccurate plan sheets and survey information. A particular concern was expressed over the time period between the release of the plan sheets and the notice to proceed (NTP) with ROW acquisition, which is very compressed.  Inaccuracies will likely result in rework and delays to the ROW acquisition process.
Schedule Impact	3	2
Cost Impact	2	qualit (
Probability	3	2
Risk Description	Ability to manage the ROW and utility relocation process within the times required by the current project schedule	Quality of plan sheets
Risk Category	ROW and Utilities	ROW and Utilities
Risk No.	3.03	3.04

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Mitigation Strategies	Find ways to incentivize the utility companies. Determine whether the utility companies will allow others (e.g., the construction contractor) to perform this work under their direction and supervision.	Develop a focused action plan that addresses how to best address the issues associated with DVP.	The mitigation strategy is similar to that in Risk 3.05.	VDOT has already engaged these stakeholders to better understand their concerns, address their needs, and make them part of the process. This engagement should continue throughout the project's development.
	_	Deve that a addre DVP		
Comments/Notes	Utility relocations will be delayed by the need for the private utility companies to be responsive to severe weather conditions that affect their customers around the country, thereby delaying the advertisement date (and potentially the contractor if a Type III Certification is approved).	DVP is separately identified as a project risk given the major relocations associated with its facilities. Overall weather risk is discussed in Risk 3.05.	There is a risk of unknown utilities as the design progresses, and as construction begins. Because it is difficult for VDOT to influence the speed by which private utilities perform the relocations, their utility relocations may not support the aggressive schedule for advertisement.	Properties that were identified as being specific challenges included: (a) First Baptist Church of Norfolk; (b) Altmeyer Funeral Home; and (c) the business park.
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Schedule Impact	8	3	2	6
Cost Impact	port	1	1	2
Probability	2	2	2	es.
Risk Description	The effect of weather on the ability of private utility companies to perform their relocations	Dominion Virginia Power (DVP)	Private utility company relocations generally	Challenges with specific properties
Risk Category	ROW and Utilities	ROW and Utilities	ROW and Utilities	ROW and Utilities
Risk No.	3.05	3.06	3.07	3.08

Explanation of Ratings:
Degree of Importance:
Cost Impact:
Schedule Impact:

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Risk No.	Risk Category	Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
4.01	Environmental	Requirement for an Environmental Assessment (EA)	-	m	e	The current NEPA document is a Categorical Exclusion (CE). However, any additional tenant relocation will create property, there is a risk that the CE will no longer be valid and that an EA will be required.	This risk can be mitigated by minimizing or avoiding any new tenant relocations. The mitigation for this is discussed in Risk No. 3.01.
4.02	Environmental	Wetland Re- Delineations	æ	2	2	The original wetlands delineation was performed in 2005 during a drought, and there are questions as to its accuracy. Re-delineation may result in changes to the design and the need for additional mitigation. This creates a specific risk to Ramp D-7, as discussed in Risk 4.03.	VDOT is currently evaluating this issue and re-delineations are being considered.
4.03	Environmental	Ramp D-7 permitting	8	-	က	Among the other risks with this element of the Project is the risk of permitting. The current design requires the relocation of a stream and addressing wetlands. Virginia DEQ is focused on minimizing impact to the wetlands, and the Army Corps of Engineers is focused on minimizing stream relocation. They have competing interests. Virginia Marine Resource Council (VMRC) has a concern about how the project may be affecting organisms, which are potentially influenced by wetlands and stream relocation.	To address the multi-agency permitting associated with this work, VDOT has had, and should continue to have, frequent meetings with each agency to integrate design solutions that address their competing needs.

Explanation of Ratings:

 Degree of Importance:
 Cost Impact:

Schedule Impact:

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Risk No.	Risk Category	Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
5.01	Geotechnical	Overall soil quality	E.	2		The project's soil is considered to be of poor quality, with a mixture of organic clays and high PH levels. This creates compaction and drainage issues impacting design and construction. The corrosive qualities will also impact material selection.	Mitigation strategies include: (a) identifying the soil quality and corrosivity factors, (b) determining design adjustments (including material constraints); and (c) clearly noting the issues and constraints in the contract documents.
5.02	Geotechnical	Deep foundations	3	2	1	The design's deep foundations will likely be impacted by the poor soil conditions. This is a subset of Risk 5.01, but separately discussed as a project risk.	Same mitigation strategy as that for Risk 5.01.
5.03	Geotechnical	Geotechnical conditions south of Curlew Drive	£.	2	2	The design of the I-64 widening south of Curlew Drive will be influenced by the poor soil conditions, as there will be a retaining wall of some type (either a full retaining wall or as a shorter wall that will be an element of the bridge design). The poor quality soil creates the potential for, among other things, differential settlement of the wall.	This will be a factor in the choice of retaining wall or bridge at this location, as discussed in Risk 1.02. The degree of risk associated with the poor soils can be mitigated by soil improvements and/or foundation design (e.g., a pile/drilled shaft supported retaining wall).

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Risk No.	Risk Category	Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
6.01	Construction	Maintenance of Traffic (MOT) and Sequencing of Construction (SOC)	s	3	2	The breadth of the Project creates major challenges with both MOT and SOC. Among the issues to be addressed will be length of work zones and extent/duration of shoulder closures (which could increase both peak and off-peak congestion). Each of these will impact construction durations and productivity (i.e., cost to the contractor), safety and public relations. The accelerated schedule creates a risk that the MOT/SOC plans will be rushed.	The overall MOT/SOC plans are still in the process of being developed by the project team. At a high level, project management (perhaps at the executive level) should work to balance competing interests (e.g., smaller work zones affecting the contractor's schedule and costs, with longer work zones affecting public relations).  Note that the mitigation strategy to address the accelerated project schedule (Risk 9.01) and fixed budget (9.02) are applicable here.
6.02	Construction	Construction	2	2	2	Construction access risks and issues are area-dependent, as each project section will have different access needs and traffic impact. The most significant construction access risk for work along the I-64 and I-264 relate to getting trucks safe ingress and egress to the interstate, where there is high speed travel. For arterial streets, access risks include trucks navigating more intersections and smaller turning radiuses. With a fixed budget, costs may be driven up if the decision is made to minimize access points.	Same mitigation strategy for Risk 6.01.

Explanation of Ratings:
Degree of Importance:
Cost Impact:
Schedule Impact:

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Risk No.	Risk Category	Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
6.03	Construction	Existing infrastructure assets			2	There are a variety of construction activities that will use existing infrastructure, including use of: (a) existing drainage systems; and (b) side roads for truck access. Use of existing drainage systems creates the risk that culverts are in good condition, not leaking, and can be used "as is." While current conditions are being surveyed, this survey is not comprehensive. Use of side roads by trucks with heavy loads could create problems with the roads. Remedying these existing assets could have cost and schedule impacts, and in the case of roads, a public relation impact. This could also challenge VDOT's relationships with the Cities of Norfolk and Virginia Beach, particularly as to who will bear the responsibility of returning existing assets in their pre-construction	Mitigation strategies for this risk include:  (a) conducting a more thorough pre-construction assessment (e.g., a CCTV survey) and reaching agreement with Norfolk and Virginia Beach on the conditions established by this assessment;  (b) taking this assessment into account in developing an MOT plan;  (c) requiring the contractor to take responsibility for returning the assets to pre-construction conditions; and  (d) establishing sufficient project contingency to address appropriate repair work.
6.04	Construction	Night work	ĸ	-	-	It is currently expected that night work will be required, resulting in: (a) higher wage rates to address shift differentials; (b) higher operating costs (e.g., lighting); and (c) lower labor productivity, as one cannot work in as large an area at night. Additionally, productivity in the winter months will be affected by low night-time temperatures and VDOT constraints on asphalt and concrete placement.	This risk can be mitigated by considering these issues in developing the project contingency. Additionally, the construction contract should state clearly that the contractor is obligated to perform night-time work, which will ensure that this requirement is competitively bid and not subject to post-award disputes.

Explanation of Ratings:
Degree of Importance:
Cost Impact:
Schedule Impact:

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_	Risk Category	Risk Description	Probability	Cost	Schedule Impact	Comments/Notes	Mitigation Strategies
රි	Construction	Maintaining existing ITS during construction	m		-	The ITS along the project corridor has been recently upgraded by VDOT (some upgrades are currently under construction), and these upgrades have not been fully integrated into the project's design and construction operations. The ability to effectively integrate the ITS may be affected by:  (a) the aggressive project schedule; and (b) difficulty in determining the inventory of upgrades that have been made, partly because of personnel transitions and gaps in knowledge transfer. Because the public relies heavily on the ITS for this corridor, interruption of the ITS may create public relations problems.	The primary mitigation strategy is for the design team to have early meetings with VDOT's O&M team to understand the ITS upgrades.
ပိ	Construction	Coordination with Norfolk and City of Virginia Beach's traffic operations	£ .	1	1	Construction operations will affect the traffic operations along the arterial network (e.g., detours and traffic pattern changes because of the public's use of alternative routes). Some of these traffic operations will cross city boundaries. The risk is to public relations.	The project team should work closely with each city's traffic operations departments during the design and construction.
ا ٽ	Construction	Setting beams over traffic	3	1	1	There are two locations that create specific risks. The flyover at Greenwich and Cleveland could be done over live traffic or by diverting traffic away from the construction area. The flyover for Ramp D-7 will likely have to be done over live traffic. These work activities have schedule and public relations risks.	This work should be carefully and thoughtfully planned and managed from the public relations side.

1 = low 1 = less than \$1 mm 1 = less than 1 month

2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

Explanation of Ratings:Degree of Importance:Cost Impact:Schedule Impact:

 $<sup>3 = \</sup>text{high}$  3 = \$10nm or more 3 = 6 months or more

Risk No.	Risk Category	Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
7.01	Stakeholder Coordination	Witchduck Phase 2 coordination	м	-	1	The City of Virginia Beach is widening the north side of Witchduck Road north of I-264 (Witchduck Phase 2). While the project is not physically affected by Witchduck Phase 2, the Witchduck interchange will potentially create some MOT issues for both projects.	This risk can be managed by giving focused attention on the MOT around the Witchduck interchange once specific construction schedules for the project and Witchduck Phase 2 are known.
7.02	Stakeholder Coordination	Interface with localities and public agencies	2	٤	2	Both the City of Virginia Beach and Norfolk have major interests in this project, and these interests may affect the project's scope, schedule and construction operations.	Each city should be regularly informed as to the project's status, and project executives should regularly meet to ensure that any major issues are being considered and addressed.
7.03	Stakeholder Coordination	Interface with private utilities (e.g., communications, power, CCTV)	E	2	ε	As discussed in Risks 3.06 and 3.07, the project will involve several private utility companies, some of which are currently known and some of which are not currently known. These interfaces create cost and schedule risks.	The mitigation of this risk is similar to that discussed in Risks 3.06 and 3.07, and focus on having regular communications with these private utilities.
7.04	Stakeholder Coordination	Future interchange improvements	-	-	-	VDOT is in the process of conducting an overall I-264 corridor study. There is a risk that this study may impact the project's design. This is considered a remote risk, because the I-264 corridor study will be considering this project's design.	The risk of inconsistent results will likely be mitigated because the same consultant (URS) is working on both this project and the I-264 corridor study.

3 = high 3 = \$10mm or more 3 = 6 months or more

2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

rategies	egy will be described in	ablic 1 should be 1s these	egy for Risks	egy for Risks	
Mitigation Strategies	The mitigation strategy will be consistent with that described in Risk 7.02.	A comprehensive public communication plan should be developed to address these issues.	See mitigation strategy for Risks 3.08 and 8.01.	See mitigation strategy for Risks 3.08 and 8.01.	
Comments/Notes	HRT has an interest in this project, particularly because of the work at Curlew Drive. These interests may affect the project's scope, schedule and construction operations.  HRT is also likely interested in the design for improvements near Witchduck Road that will include culverts that cross under the former Norfolk Southern railway (currently not in use) as this is the potential future corridor for the light rail extension into Virginia Beach.	The public's perception and support for this project will be impacted by several factors during the design and construction process. Specific sensitive areas include: (a) the treatment of the Witchduck bridge; (b) failure of the project to address westbound traffic; and (c) coordination with the City of Virginia Beach and the light rail facility.	Public perception may be influenced by the takings associated with the project, as discussed in Risk 3.08.	Public perception may be influenced by the following landowners, each of whom has been vocal relative to the project: (a) Top Golf; (b) Jewish Community Center; (c) light rail; and (d) the business park.	1 = low 1 = less than \$1 mm
Schedule Impact	e	w	8	1	2 = medium 2 = \$1 mm to less than \$10 mm
Cost Impact	m ·	-	2	_	= medium = \$1 mm to la
Probability		7	e	æ	
Risk Description	HRT coordination	Public perception and support	Specific acquisitions required for the project	Adjacent Land Users	: 3 = high 3 = \$10mm or more
Risk Category	Stakeholder Coordination	Public Relations	Public Relations	Public Relations	Explanation of Ratings:      Degree of Importance:     Cost Impact:
Risk No.	7.05	8.01	8.02	8.03	lanation • De Co

Mitigation Strategies	sk on The following mitigation strategies are based on the assumption that the ocation advertisement date cannot be extended and that the delivery process will remain design-bid- build:	(a) Use a Tier III Certification process;	(b) Phase the construction to be compatible with the Tier III Certification process;	(c) Reduce the project's scope;	(d) Establish a dedicated internal project team that will devote full time and attention to the project, and add external resources to support this team;	(e) Increase the project contingency to recognize that the accelerated schedule may impact project cost;	(f) Require the construction contractor to have added responsibility for utility relocations; and	(g) Develop a robust project management plan that will integrate the various resources needed to meet the aggressive schedule.
Comments/Notes	This is considered the biggest risk on the project, as it influences every major element of the project (e.g., ROW acquisition and utility relocation and design development and decisions).							
Schedule Impact	ဇ							
Cost Impact	m							
Probability	E							
Risk Description	Aggressive schedule to meet June 2017 advertisement date							
Risk Category	Programmatic							
Risk No.	9.01							

Explanation of Ratings:

 Degree of Importance:
 Cost Impact:

Schedule Impact:

3 = high 3 = \$10nm or more 3 = 6 months or more

2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

Ţ.	Risk Category Risk Description	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
-	Resource availability given other projects	3	2	2	The ability to obtain adequate resources to design and manage this project is affected by: (a) the project's size and complexity; and (b) the aggressive schedule. This risk is exacerbated by the aggressive schedule discussed in Risk 9.01.	Each department should determine what internal and external resources are needed to meet the schedule, and project executives should determine how to respond to this assessment.
	Construction cost estimate	1	E.	3	The TRNS-PRT estimate is not yet done, and additional design work needs to be done, all of which could affect the estimate. The risk of not having this estimate completed impacts the risks associated with a fixed budget (Risk 9.05).	Estimates are currently being developed.
	Construction market and inflation	E	E	-	The status of the construction market at the time of advertisement is uncertain. This creates a risk that bids will be higher than anticipated from the TRNS-PRT estimate, which may create challenges with the fixed budget (Risk 9.05).	This risk can be managed by additional contingency.

3 = high 3 = \$10mm or more 3 = 6 months or more

2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

Mitigation Strategies	The mitigation strategy is similar to that for Risk 9.04. Additionally, the project team should consider how to align the scope to this budget.	On the assumption that the project will be based on a single construction contract, the risk may be mitigated by recognizing these factors into the project's contingency. The risk could be mitigated by dividing the contract into several smaller construction contracts, although this creates further interface risks and project complexity.
<b>F</b>		
Comments/Notes	It is expected that a budget will be fixed for this project before the start of RoW acquisition and contract advertisement. There are risks that this budget will ultimately be exceeded because, among other things: (a) ROW acquisition may cost more than expected; (b) construction prices may be higher than expected because of the project's inherent risks (e.g., MOT and lower competition); and (c) the project contingency in the budget may be lower than appropriate because of pressures faced by management to meet the fixed budget number.	The size, complexity and risk of the project could create procurement risks by reducing competition. This largely comes from: (a) contractors pursuing the project through joint ventures; and (b) smaller contractors not competing as primes because of bonding capacity issues.
Schedule Impact	3	8
Cost Impact	2	-
Probability	£.	-
Risk Description	Fixed budget	Using a single construction contract
Risk Category	Programmatic	Programmatic
Risk No.	9.05	9.06

3 = high 3 = \$10nm or more 3 = 6 months or more

2 = medium 2 = \$1 mm to less than \$10 mm 2 = 1 month to less than 6 months

Risk No.	Risk Category	Risk Risk Category Risk Description Probability No.	Probability	Cost Impact	Schedule Impact	Comments/Notes	Mitigation Strategies
9.07	Programmatic	9.07 Programmatic Federal Oversight	٤	2	1	The project is currently being developed on the assumption that there will be typical federal oversight imposes, by FHWA. Federal oversight imposes, among other things, certain review and approval requirements throughout the design process. These will have to be accounted for in the cost and schedule of the Project.	If there is a serious consideration of not federalizing the project, this decision should be made by the project's executives quickly. If this occurs, and federal oversight is not used on the project, this could create significant impact to VDOT if it later needs to obtain federal funds.

3 = high2 = medium1 = low3 = \$10mm or more2 = \$1 mm to less than \$10 mm1 = less than \$1 mm3 = 6 months or more2 = 1 month to less than 6 months1 = less than 1 month

# Exhibit 3A: Risk Impact Chart (Summary Level by Impact Score)

Risk		Dunkakilit.	Cost	Schedule	Impact Score
#	Category  Pasign (Readway Bridge and	Probability	Impact	Impact	Score
1.01	Design (Roadway, Bridge, and Structures)	3	3	3	18
1.02	Design (Roadway, Bridge, and Structures)	2	2	2	8
1.03	Design (Roadway, Bridge, and Structures)	3	2	1	9
1.04	Design (Roadway, Bridge, and Structures)	1	1	1	2
1.05	Design (Roadway, Bridge, and Structures)	1	3	3	6
1.06	Design (Roadway, Bridge, and Structures)	3	1	1	6
1.07	Design (Roadway, Bridge, and Structures)	3	1	1	6
2.01	Drainage	1	2	3	5
2.02	Drainage	3	2	2	12
3.01	ROW and Utilities	3	3	3	18
3.02	ROW and Utilities	3	2	3	15
3.03	ROW and Utilities	3	2	3	15
3.04	ROW and Utilities	2	1	2	6
3.05	ROW and Utilities	2	1	3	8
3.06	ROW and Utilities	2	1	3	8
3.07	ROW and Utilities	2	1	2	6
3.08	ROW and Utilities	3	2	2	12
4.01	Environmental	1	3	3	6
4.02	Environmental	3	2	2	12
4.03	Environmental	3	1	3	12
5.01	Geotechnical	3	2	1	9
5.02	Geotechnical	3	2	1	9
5.03	Geotechnical	3	2	2	12
6.01	Construction	3	3	2	15
6.02	Construction	2	2	2	8
6.03	Construction	1	1	2	3
6.04	Construction	3	1	1	6
6.05	Construction	3	1	1	6

Risk #	Category	Probability	Cost Impact	Schedule Impact	Impact Score
6.06	Construction	3	1	1	6
6.07	Construction	3	1	1	6
7.01	Stakeholder Coordination	3	1	1	6
7.02	Stakeholder Coordination	2	3	3	12
7.03	Stakeholder Coordination	3	2	2	12
7.04	Stakeholder Coordination	1	1	1	2
7.05	Stakeholder Coordination	1	3	3	6
8.01	Public Relations	2	1	3	8
8.02	Public Relations	3	2	3	15
8.03	Public Relations	3	1	1	6
9.01	Programmatic	3	3	3	18
9.02	Programmatic	3	2	2	12
9.03	Programmatic	1	3	3	6
9.04	Programmatic	3	3	1	12
9.05	Programmatic	3	2	3	15
9.06	Programmatic	1	1	3	4
9.07	Programmatic	3	2	1	9

# Exhibit 3B: Risk Impact Chart (Sequential Based on Risk Number)

	Category	Risk	Probability	Cost Impact	Schedule Impact	Impact Score
1.01	Design (Roadway, Bridge, and Structures)	Ramp D-7	3	3	3	18
3.01	ROW and Utilities	Need to acquire additional property	3	3	3	18
9.01	Programmatic	Aggressive schedule to meet June 2017 advertisement date	3	3	3	18
3.02	ROW and Utilities	Obtaining approval for a Type III Certification	3	2	3	15
3.03	ROW and Utilities	Ability to manage the ROW and utility relocation process within the times required by the current project schedule	3	2	3	15
6.01	Construction	Maintenance of Traffic ("MOT") and Sequencing of Construction ("SOC")	ncing of on ("SOC")		2	15
8.02	Public Relations	Specific acquisitions required for the project	3	2	3	15
9.05	Programmatic	Fixed budget	3	2	3	15
2.02	Drainage	Culvert at I-64 and Curlew Drive	3	2	2	12
3.08	ROW and Utilities	Challenges with specific properties	3	2	2	12
4.02	Environmental	Wetland Re-Delineations	3	2	2	12
4.03	Environmental	Ramp D-7 permitting	3	1	3	12
5.03	Geotechnical	Geotechnical conditions south of Curlew Drive	3	2	2	12
7.02	Stakeholder Coordination	Interface with localities and public agencies	2	3	3	12
7.03	Stakeholder Coordination	Interface with private utilities (e.g., communications, power, CCTV)	3	2	2	12
9.02	Programmatic	Resource availability given other projects	3	2	2	12
9.04	Programmatic	Construction market and inflation	3	3	1	12
1.03	Design (Roadway, Bridge, and Structures)	Greenwich Overpass	3	2	1	9

	Category	Risk	Probability	Cost Impact	Schedule Impact	Impact Score
5.01	Geotechnical	Overall soil quality	3	2	1	9
5.02	Geotechnical	Deep foundations	3	2	1	9
9.07	Programmatic	Federal Oversight	3	2	1	9
1.02	Design	South of Curlew Drive 2		2	2	8
	(Roadway, Bridge, and Structures)					
3.05	ROW and Utilities	The effect of weather on the ability of private utility companies to perform their relocations		1	3	8
3.06	ROW and Utilities	Dominion Virginia Power ("DVP")		1	3	8
6.02	Construction	Construction access	2	2	2	8
8.01	Public Relations	Public perception and support	2	1	3	8
1.05	Design (Roadway, Bridge, and Structures)	Cross-slope of existing mainline	1	3	3	6
1.06	Design (Roadway, Bridge, and Structures)	Accuracy of survey information			1	6
1.07	Design (Roadway, Bridge, and Structures)	Designing and specifying the ITS	3	1	1	6
3.04	ROW and Utilities	Quality of plan sheets	2	1	2	6
3.07	ROW and Utilities	Private utility company relocations generally	2	1	2	6
4.01	Environmental	Requirement for an Environmental Assessment ("EA")	1	3	3	6
6.04	Construction	Night work	3	1	1	6
6.05	Construction	Maintaining existing ITS during construction	3	1	1	6
6.06	Construction	Coordination with City of Norfolk and City of Virginia Beach's traffic operations	3	1	1	6
6.07	Construction	Setting beams over traffic	3	1	1	6
7.01	Stakeholder Coordination	Witchduck Phase 2 coordination	3	1	1	6

	Category	Risk	Probability	Cost Impact	Schedule Impact	Impact Score
7.05	Stakeholder Coordination	HRT coordination	1	3	3	6
8.03	Public Relations	Adjacent Land Users	3	1	1	6
9.03	Programmatic	Construction cost estimate	1	3	3	6
2.01	Drainage	SWM design may be impacted by new regulations	1	2	3	5
9.06	Programmatic	Using a single construction contract	1	1	3	4
6.03	Construction	Existing infrastructure assets	1	1	2	3
1.04	Design (Roadway, Bridge, and Structures)	Pavement design	1	1	1	2
7.04	Stakeholder Coordination	Future interchange improvements	1	1	1	2



#### PROGRAMMATIC AGREEMENT

BETWEEN THE FEDERAL HIGHWAY ADMINSTRATION, VIRGINIA DIVISION AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION REGARDING THE PROCESSING OF ACTIONS CLASSIFIED AS CATEGORICAL EXCLUSIONS FOR FEDERAL-AID HIGHWAY PROJECTS

This PROGRAMMATIC AGREEMENT ("Agreement") made and entered into this day of October, 2017, by and between the FEDERAL HIGHWAY ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION ("FHWA") and the VIRGINIA DEPARTMENT OF TRANSPORTATION ("VDOT") hereby provides as follows:

#### WITNESSETH:

Whereas, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §4321 et. seq., and the Regulations for Implementing the Procedural Provisions of NEPA (40 CFR §1500-1508) direct Federal agencies to consider the environmental impacts of their proposed major Federal actions through the preparation of an environmental assessment (EA) or environmental impact statement (EIS) unless a particular action is categorically excluded;

Whereas, FHWA's distribution and spending of Federal funds under the Federal-aid Highway Program and approval of projects pursuant to Title 23 of the U.S. Code are major Federal actions subject to NEPA;

Whereas, the Secretary of Transportation has delegated to FHWA the authority to carry out functions of the Secretary under NEPA as they relate to matters within FHWA's primary responsibilities (49 CFR §1.81(a)(5));

Whereas, FHWA's NEPA implementing procedures (23 CFR §771) list a number of categorical exclusions (CE) for certain actions that FHWA has determined do not individually or cumulatively have a significant effect on the human environment and therefore do not require the preparation of an EA or EIS (23 CFR §771.117(c)-(d));

Whereas, VDOT is a State agency that undertakes transportation projects using Federal funding received under the Federal-aid Highway Program and assists FHWA in fulfilling its obligations under NEPA for projects requiring an FHWA action (23 CFR §771.109);

Whereas, Section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012), allows FHWA to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews, including agreements that allow a State to determine whether a project qualifies for a CE on behalf of FHWA;

Whereas, FHWA developed regulations implementing the authorities in Section 1318(d), effective November 6, 2014 (23 CFR §771.117(g));

Whereas, as defined in FHWA's A Practitioner's Guide to FHWA Programmatic Agreements for Categorical Exclusions, the CE decision is a determination that the proposed project would not individually or cumulatively have a significant environmental impact and the project fits in the category of projects not requiring the preparation of an EA or EIS;

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Whereas, FHWA's A Practitioner's Guide to FHWA Programmatic Agreements for Categorical Exclusions allows for, and describes, a State DOT "determination" (i.e., a State DOT determines on behalf of FHWA that a project qualifies as a CE) and a State DOT "certification" (i.e., a State DOT certifies to FHWA that a project qualifies as a CE and FHWA makes the determination);

Now, therefore, FHWA and VDOT enter into this Agreement for the processing of categorical exclusions.

#### I. PARTIES

The Parties to this Agreement are FHWA and VDOT.

#### II. PURPOSE

The purpose of this Agreement is to authorize VDOT to determine on behalf of FHWA whether a project qualifies for a CE, as specifically listed in 23 CFR §771.117(c) or (d) (current CE qualifying projects are listed in Appendix A and B of this Agreement). This Agreement also authorizes VDOT to certify to FHWA that a project, for which VDOT cannot make a CE determination according to the terms of the Agreement, meets the CE criteria in 40 CFR §1508.4 and 23 CFR §771.117(a) and qualifies for a CE as long as there are no unusual circumstances present that would require the preparation of either an environmental assessment (EA) or an environmental impact statement (EIS).

#### III. AUTHORITIES

This Agreement is entered into pursuant to the following authorities:

- A. National Environmental Policy Act, 42 U.S.C. §4321 et seq.
- B. Moving Ahead for Progress in the 21st Century Act, P.L. 112-141, 126 Stat. 405, Sec. 1318(d) (July 6,2012)
- C. Fixing America's Surface Transportation Act, P.L. 114-94, Sec. 1315 (December 4, 2015)
- D. 40 CFR §1500-1508
- E. DOT Order 5610.1C
- F. 23 CFR §771.117

#### IV. RESPONSIBILITIES

- A. VDOT is responsible for:
  - 1. Ensuring the following process is completed for each project that qualifies for a CE:
    - a. For projects established in 23 CFR §771.117(c) (current CE projects are listed in Appendix A) and established in 23 CFR §771.117(d) (current CE projects are listed in Appendix B) that do not exceed the thresholds in Appendix C (i.e., "Programmatic Categorical Exclusions"), VDOT may make a CE determination on behalf of FHWA. VDOT is responsible for defining the project that is the subject of its CE determination and VDOT has discretion on the level of analysis necessary to support its CE determination. VDOT will identify the applicable listed CE, ensure any conditions or constraints are met, verify that unusual circumstances do not apply, address all other environmental requirements, and complete the review with a signature evidencing the determination. No separate review or CE determination by FHWA is required.
    - b. VDOT may not make a CE determination for projects listed in 23 CFR §771.117(c) and 23 CFR §771.117(d) that exceed the thresholds in Appendix C. VDOT may certify to FHWA that these projects qualify for a CE. These actions require FHWA's CE determination based on VDOT certification.
    - c. VDOT may not make a CE determination for projects not specifically listed as CEs in 23 CFR §771.117(c) and 23 CFR §771.117(d). Instead, if VDOT believes that a project

meets the requirements of a CE under 40 CFR §1508.4 and 23 CFR §771.117(a), VDOT may certify that a project will not result in significant environmental impacts, if VDOT concludes that the project qualifies for a CE and it does not involve unusual circumstances that warrant the preparation of an EA or EIS. VDOT shall submit this certification to FHWA for a CE determination.

- 2. Consulting with FHWA for projects that involve unusual circumstances (23 CFR §771.117(b)) to determine the appropriate class of action for environmental analysis and documentation. Additional studies may be required prior to making a CE determination.
- 3. Conducting a quality assurance/control review prior to submitting a completed CE form to FHWA for a determination.
- Ensuring that a signed Documentation of FHWA Review form documenting an FHWA
  determination is included in the Comprehensive Environmental Data and Reporting System
  (CEDAR).
- 5. Meeting applicable documentation requirements in Section V for VDOT CE determinations and VDOT certifications to FHWA, applicable requirements in Section VI, and applicable quality control/quality assurance, monitoring, and performance requirements in Section VII.
- 6. Utilizing environmental staff directly employed by VDOT to make CE determinations or certifications submitted to FHWA under this Agreement. VDOT may not delegate its responsibility for CE determinations or certifications to third parties (e.g., consultants, local government staff, and other State agency staff).
- B. FHWA is responsible for:
  - 1. Providing timely advice and technical assistance on CEs to VDOT, as requested.
  - 2. Providing timely input and review of certified projects.
  - 3. Reviewing CE certifications and providing a CE determination or comments within seven business days from receipt of the CE certification. FHWA will base its CE determination on the project documentation and certifications prepared by VDOT. FHWA's CE determination will be represented by FHWA's signature on the Documentation of FHWA Review form that will be transmitted to VDOT.
  - 4. Overseeing the implementation of this Agreement in accordance with the provisions in Section VII, including applicable monitoring and performance provisions.
  - 5. Commenting on, or requesting changes to, the CE form, if warranted.

# V. DOCUMENTATION OF VDOT CE DETERMINATIONS AND CERTIFICATIONS

- A. For VDOT CE determinations and VDOT CE certifications, VDOT shall ensure that it fulfills the following responsibilities for documenting the project-specific determinations made:
  - 1. For actions listed in 23 CFR §771.117(c) and 23 CFR §771.117(d), VDOT shall identify the applicable action; ensure any conditions are met; verify that unusual circumstances do not apply; address all other environmental requirements; and complete the review with a VDOT signature evidencing the determination or certification.
  - For actions not listed in 23 CFR §771.117(c) and 23 CFR §771.117(d) that VDOT will be certifying, VDOT shall prepare documentation supporting the CE determination and demonstrating no unusual circumstances exist that would make the CE determination inappropriate.
  - 3. VDOT will utilize CEDAR to enhance quality control and review of supporting documentation. CEDAR will be the repository for documentation supporting VDOT determinations and certifications.
  - 4. VDOT will continue to provide FHWA access to CEDAR so that FHWA can review the project documentation as well as gather the information needed to respond to FHWA's Compliance Assessment Program (CAP).

- 5. When VDOT conducts periodic verification of project files supporting VDOT determinations, FHWA will be extended an invitation to participate in that verification. FHWA reserves the right to independently verify compliance.
- 6. NEPA Documentation Concurrence Forms for VDOT's CE determinations are not necessary.
- 7. The Programmatic Categorical Exclusion (PCE) form will be used for VDOT determinations.
- 8. VDOT will obtain FHWA concurrence to conduct a CE certification using the NEPA Documentation Concurrence Form. The NEPA Documentation Concurrence Form can only be submitted to FHWA after quality control/quality assurance reviews by VDOT.
- 9. The CE form will be used for all CE certifications.
- B. VDOT shall maintain a project record for its CE determinations and CE certifications submitted to FHWA. This record, maintained in CEDAR, should include at a minimum:
  - 1. Any checklists, forms, or other documents and exhibits that summarize the consideration of project effects and unusual circumstances;
  - 2. Any stakeholder communication, correspondence, consultation, or public meeting documentation;
  - 3. The name and title of the person who makes the CE determination and the date of VDOT's determination, or the name and title of the person making the CE certification and the date of FHWA's determination; and
  - 4. For cases involving re-evaluations, any (required) documented re-evaluation.
- C. VDOT will provide any electronic project records maintained by VDOT to FHWA through FHWA's access to CEDAR. VDOT should retain those records, including all letters and comments received from governmental agencies, the public, and others for a period of no less than three (3) years after completion of project construction. This 3-year retention provision does not relieve VDOT of its project or program recordkeeping responsibilities under 2 CFR § 200.333 or any other applicable laws, regulations, or policies.

# VI. CE DETERMINATIONS, CERTIFICATIONS, AND RE-EVALUATIONS

- A. VDOT's CE determinations and CEs certifications submitted to FHWA may only be made by VDOT's District Environmental Manager or NEPA Programs Manager. VDOT has discretion on the level of analysis necessary to support VDOT's CE determinations.
- B. Except as set forth in Section VI.C, in accordance with 23 CFR §771.129, VDOT shall reevaluate CE determinations, consult with FHWA, and as necessary, prepare additional documentation to ensure that VDOT CE determinations and CE certifications are still valid. The Right of Way (ROW) Re-evaluation; Plans, Specifications, and Estimates (PS&E) Re-evaluation; and Environmental Certification forms will be used for the re-evaluation of FHWA CE determinations.
- C. A ROW Re-evaluation form is not required for a VDOT CE determination, and evidence of adequate review will be documented in CEDAR. A PS&E Re-evaluation form and Environmental Certification form are required for a VDOT CE determination.

# VII. QUALITY CONTROL/QUALITY ASSURANCE, MONITORING & PERFORMANCE

- A. VDOT Quality Control/Quality Assurance
  - VDOT shall carry out regular quality control/quality assurance activities to ensure that its CE
    determinations and CE certifications are made in accordance with applicable Federal law and
    regulations and this Agreement.
- B. VDOT Performance Monitoring and Reporting
  - 1. FHWA and VDOT agree to cooperate in monitoring performance under this Agreement and work to assure quality performance.

2. VDOT agrees to summarize its performance under this Agreement to FHWA. VDOT will identify any areas where improvements are needed and the measures VDOT is taking to implement them. VDOT will identify any actions taken by VDOT as part of its quality control efforts under Section VII.A. This performance will be discussed with FHWA during an annual meeting. In the interim, a list of completed VDOT CE determinations will be provided to FHWA on a six-month reporting period basis.

## C. FHWA Oversight and Monitoring

- Monitoring by FHWA will include consideration of the technical competency and
  organizational capacity of VDOT, as well as VDOT's performance of its CE processing
  functions. Performance considerations include, without limitation, the quality and consistency
  of VDOT's CE determinations and CE certifications; adequacy and capability of VDOT staff
  and consultants; and the effectiveness of VDOT's administration of its internal CE processes.
- 2. FHWA will conduct one or more program reviews as part of its oversight activities during the term of this Agreement. VDOT shall prepare and implement a corrective action plan to address any findings or observations identified in FHWA review. VDOT should draft the corrective action plan within 45 business days of FHWA finalizing its review. The results of that review and corrective actions taken by VDOT shall be considered when this Agreement is considered for renewal.
- 3. Nothing in this Agreement prevents FHWA from undertaking other monitoring or oversight actions, including audits, with respect to VDOT's performance. FHWA may require VDOT to perform such other quality assurance activities, including other types of monitoring, as may be reasonably required to ensure compliance with applicable Federal laws and regulations.
- 4. VDOT agrees to cooperate with FHWA in all oversight and quality assurance activities.

### D. Training

 FHWA and VDOT agree that training staff relative to this Agreement is integral to its successful implementation. FHWA and VDOT will collaborate to provide formal and informal training opportunities, the first of which will be conducted within six months from the date of execution of this Agreement.

### VIII. AMENDMENTS

If the parties agree to amend this Agreement, then FHWA and VDOT may execute an amendment with new signatures and dates of the signatures. The term of the Agreement shall remain unchanged unless otherwise expressly stated in the amended Agreement.

# IX. TERM, RENEWAL, AND TERMINATION

- A. This Agreement shall have a term of five (5) years, effective on the date of the last signature. VDOT shall post and maintain an executed copy of this Agreement on its external website, available to the public.
- B. This Agreement is renewable for additional five (5) year terms if VDOT requests renewal and FHWA determines that VDOT has satisfactorily carried out the provisions of this Agreement. In considering any renewal of this Agreement, FHWA will evaluate the effectiveness of the Agreement and its overall impact on the environmental review process.
- C. Either party may terminate this Agreement at any time by giving at least 30 days written notice to the other party.
- D. Expiration or termination of this Agreement shall mean that VDOT is not able to make CE determinations on FHWA's behalf.

## Virginia Programmatic Agreement for Categorical Exclusions

Execution of this Agreement and implementation of its terms by both parties provides evidence that both parties have reviewed this Agreement and agree to the terms and conditions for its implementation. This Agreement is effective upon the date of the last signature below.

John Hamkins

10/16/17

Name: John Simkins

Date

Planning and Environment Team Leader

Federal Highway Administration, Virginia Division

Name: Angel N. Deem

10/10/17

Environmental Division Director

Virginia Department of Transportation

## Appendix A: CEs listed in 23 CFR §771.117(c)

- (c) The following actions meet the criteria for CEs in the CEQ regulations (40 CFR §1508.4) and §771.117(a) and normally do not require any further NEPA Approvals by FHWA:
- (1) Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
- (2) Approval of utility installations along or across a transportation facility.
- (3) Construction of bicycle and pedestrian lanes, paths, and facilities.
- (4) Activities included in the State's highway safety plan under 23 U.S.C. 402.
- (5) Transfer of Federal lands pursuant to 23 U.S.C. §107(d) and/or 23 U.S.C. §317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- (7) Landscaping.
- (8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
- (9) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. §5121):
  - (i) Emergency repairs under 23 U.S.C. §125; and
  - (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:
  - (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
  - (B) Is commenced within a 2-year period beginning on the date of the declaration.
- (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 U.S.C. §156 for property previously acquired with Federal-aid participation.
- (12) Improvements to existing rest areas and truck weigh stations.
- (13) Ridesharing activities.
- (14) Bus and rail car rehabilitation.

- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- (18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- (20) Promulgation of rules, regulations, and directives.
- (21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
- (22) Projects, as defined in 23 U.S.C. §101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

### (23) Federally-funded projects:

- (i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see <a href="https://www.fhwa.dot.gov">www.fhwa.dot.gov</a> or <a href="https://www.fhwa.dot.gov">www.fta.dot.gov</a>) of Federal funds; or
- (ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see <a href="www.fhwa.dot.gov">www.fhwa.dot.gov</a> or <a href="www.fhwa.dot.gov">www.fta.dot.gov</a>) and Federal funds comprising less than 15 percent of the total estimated project cost.
- (24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

- (25) Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. §1341; 1342)) carried out to address water pollution or environmental degradation.
- (26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.
- (27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.
- (28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.
- (29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- (30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

# Appendix B: CEs listed in 23 CFR §771.117(d)

- (d) Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR §1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:
- (4) Transportation corridor fringe parking facilities.
- (5) Construction of new truck weigh stations or rest areas.
- (6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
- (7) Approvals for changes in access control.
- (8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
- (9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
- (10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
- (11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
- (12) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
  - (i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.
  - (ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

- (13) Actions described in paragraphs (c) (26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.
  - (e) Actions described in (c) (26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:
    - (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements;
    - (2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899;
    - (3) A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. §138 or 49 U.S.C. §303 (Section 4(f)) except for actions resulting in de minimis impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act;
    - (4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions;
    - (5) Changes in access control;
    - (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

## Appendix C: VDOT CE Determination Qualifying Thresholds

If any of the conditions listed below are true, the project *does not* qualify for a VDOT CE determination and would require a NEPA approval from FHWA.

- Involves acquisition of more than minor amounts of temporary or permanent right of way acquisition.
  Considerations for whether the amount of acquisition qualifies as minor include, but are not limited
  to, the context and intensity of the impact, the size of the parcel, and the effect on the parcel's
  function;
- 2. Involves acquisitions that result in more than limited residential and non-residential displacements, considering the context and intensity of the impact;
- 3. Results in capacity expansion of a roadway by addition of through lanes;
- 4. Involves the construction of temporary access, or the closure of an existing road, bridge, or ramps, that would result in major traffic disruptions. Considerations for whether the traffic disruptions qualify as major include, but are not limited to, the context and intensity of the impact, the amount of travel delay, the time during which the facility is closed, the amount of traffic volume utilizing the facility, and the distance of the detour route;
- 5. Results in a determination of adverse effect on historic properties pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. §306108);
- 6. Requires the use of properties protected by Section 4(f) (49 U.S.C. § 303/23 U.S.C. §138) that cannot be documented with an FHWA de minimis determination or a programmatic Section 4(f) evaluation signed by FHWA;
- 7. Requires the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965 (54 U.S.C. §200305) or other unique areas or special lands that were acquired in fee or easement with federal public-use-money and have deed restrictions or covenants on the property;
- 8. Requires a U.S. Army Corps of Engineers Section 404 (33 U.S.C. §1344) permit other than a Nationwide or a General Permit;
- 9. Requires a U.S. Coast Guard bridge permit (33 U.S.C. §401);
- 10. Requires work that will cause an increase of the flood level by more than one foot within a regulatory floodway of water courses or water bodies, or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to 23 CFR §650 subpart A;
- 11. Is defined as a "Type I project" per 23 CFR §772.5 and the VDOT noise manual for purposes of a noise analysis;
- 12. Is likely to adversely affect federally listed species or designated critical habitat, with the exception of a "may affect, likely to adversely affect" (MALAA) determination for the Northern Long-Eared Bat or Indiana Bat when the project is within the scope of the Section 7 range-wide programmatic consultation for those species;
- 13. Involves any known or potential hazardous materials issues that represent a substantial liability or require substantial regulatory negotiation to resolve. Sites representing substantial liability would not include minor issues such as low-level petroleum impacts or minimal solid waste;
- 14. Does not meet the provisions of the "Planning Documents and NEPA Approvals" document. In accordance with 23 CFR §450 and the agreement among FHWA, VDOT, the Federal Transit Administration, and the Virginia Department of Rail and Public Transportation, actions listed in 23 CFR §771.117(c) and 23 CFR §771.117(d) may be grouped;
- 15. Causes disproportionately high and adverse effects on any minority or low-income populations;
- 16. Involves consideration of multiple NEPA alternatives under consideration;
- 17. Is an action listed in 23 CFR §771.115(a); or
- 18. Involves unusual circumstances, pursuant to 23 CFR §771.117(b).

### Appendix D: VDOT CE Determination Form

(Last Revised: 10/18/2017)

Programmatic Categorical Exclusion (PCE)

	· · · · · · · · · · · · · · · · · · ·	Project Information
Project Name:		Federal Project#:
Project Number:		Project Type:
UPC:		Charge Number:
Route Number:		Route Type:
Project LimitFrom:		To:
Project Description:		
Additional Project Description:		
Purpose and Need:		
District:	City/County:	Residency:
District:	City/County:	Residency:

The subject project meets the criteria for a Programmatic Categorical Exclusion in accordance with:

23 CFR 771.117

Description of PCE Category:

C-XX

UNUSUAL CIRCUMSTANCES (YES/NO):

NO Significant environmental impacts

Determination:

NO Substantial controversy on environmental grounds

Determination:

NO Significant impact on properties protected by Section 4(f) of the Department of Transportation Act or Section 106 of the National Historic Preservation Act

Determination:

NO Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action

Determination:



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#### IMPACTS (YES/NO):

- NO Involves acquisition of more than minor amounts of temporary or permanent right of way acquisition
- NO Involves acquisitions that result in more than limited residential and non-residential displacements, based on the context and intensity of the impact

  Determination:
- NO Results in capacity expansion of a roadway by addition of through lanes
- NO Involves the construction of temporary access, or the closure of an existing road, bridge, or ramps, that would result in major traffic disruptions, based on the context and intensity of the impact
- NO Results in a determination of adverse effect on historic properties pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. §306108)

  Determination:
- NO Requires the use of properties protected by Section 4(f) (49 U.S.C. § 303/23 U.S.C. § 138) that cannot be documented with an FHWA de minimis determination, or a programmatic Section 4(f) evaluation signed by FHWA
- NO Requires the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965 (54 U.S.C. § 200305) or other unique areas or special lands that were acquired in fee or easement with federal public-use-money and have deed restrictions or covenants on the property

  \*\*Determination:\*\*
- NO Requires a U.S. Army Corps of Engineers Section 404 (33 U.S.C. § 1344 permit other than a Nationwide or a General Permit Determination:
- NO Requires a U.S. Coast Guard bridge permit (33 U.S.C. § 401)

  Determination:
- NO Requires work that will cause an increase of the flood level by more than one foot within a regulatory floodway of water courses or water bodies or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to 23 CFR §650 subpart A

  Determination:
- NO Is defined as a "Type I project" per 23 CFR §772.5 and the VDOT noise manual for purposes of a noise analysis

  \*Determination:\*\*
- NO Is likely to adversely affect federally listed species or designated critical habitat, with the exception of a "may affect, likely to adversely affect" (MALAA) determination for the Northern Long-Eared Bat or Indiana Bat when the project is within the scope of the Section 7 range-wide programmatic consultation for those species

  \*Determination:\*
- NO Involves any known or potential hazardous materials issues that represent a substantial liability or require substantial regulatory negotiation to resolve. Sites representing substantial liability would not include minor issues such as low-level petroleum impacts or minimal solid waste

  Determination:
- NO Does not meet the provisions of the "Planning Documents and NEPA Approvals" document. In accordance with 23 CFR §450 and the FHWA/VDOT/Federal Transit Administration/Virginia Department of Rail and Public Transportation MOA Statewide Transportation Improvement Program (STIP) Procedures MOA, actions listed in 23 CFR §771.117(c) and 23 CFR §771.117(d) may be grouped
- Determination:

  NO Causes disproportionately high and adverse effects on any minority or low-income populations
- NO Involves consideration of multiple NEPA alternatives Determination:
- NO Is an action listed in 23 CFR §771.115(a)

  Determination:
- NO Involves unusual circumstances, pursuant to 23 CFR §771.117(b)

Environ	mental Manager, CE Determination	Date
VEHT	©2017	

10/18/2017

### Appendix D: VDOT CE Determination Form

(Last Revised: 10/18/2017)

### Programmatic Categorical Exclusion (PCE)

	Pr	oject Information	
Project Name:		Federal Project#:	
Project Number:		Project Type:	
UPC:		Charge Number:	
Route Number:		Route Type:	
Project Limit-From:		To:	
Project Description:			
Additional Project Description:			
Purpose and Need:			
District:	City/County:		Residency:

The subject project meets the criteria for a Programmatic Categorical Exclusion in accordance with:

23 CFR 771.117

### Description of PCE Category:

C-XX

### UNUSUAL CIRCUMSTANCES (YES/NO):

NO Significant environmental impacts

Determination:

NO Substantial controversy on environmental grounds

Determination.

NO Significant impact on properties protected by Section 4(f) of the Department of Transportation Act or Section 106 of the National Historic Preservation Act

Determination:

NO Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action

Determination:



10/18/2017

# Link to an amendment published at 85 FR 43374, July 16, 2020

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Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977). AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the

Source: 43 FR 56003, Nov. 29, 1978, unless otherwise noted

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# §1508.1 Terminology.

The terminology of this part shall be uniform throughout the Federal Government.

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### §1508.2 Act.

referred to as "NEPA." Act means the National Environmental Policy Act, as amended (42 U.S.C. 4321, et seq.) which is also

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# §1508.3 Affecting.

Affecting means will or may have an effect on.

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# §1508.4 Categorical exclusion.

significant effect on the human environment and which have been found to have no such effect in therefore, neither an environmental assessment nor an environmental impact statement is required. An procedures adopted by a Federal agency in implementation of these regulations (§1507.3) and for which agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons *Categorical exclusion* means a category of actions which do not individually or cumulatively have a

# §1508.4 Categorical exclusion.

significant effect on the human environment and which have been found to have no such effect in extraordinary circumstances in which a normally excluded action may have a significant environmental effect stated in §1508.9 even though it is not required to do so. Any procedures under this section shall provide for agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons therefore, neither an environmental assessment nor an environmental impact statement is required. An procedures adopted by a Federal agency in implementation of these regulations (§1507.3) and for which, Categorical exclusion means a category of actions which do not individually or cumulatively have a

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# §1508.5 Cooperating agency.

agreement with the lead agency become a cooperating agency. alternative) for legislation or other major Federal action significantly affecting the quality of the human special expertise with respect to any environmental impact involved in a proposal (or a reasonable environment. The selection and responsibilities of a cooperating agency are described in §1501.6. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by *Cooperating agency* means any Federal agency other than a lead agency which has jurisdiction by law or

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# §1508.6 Council.

Council means the Council on Environmental Quality established by title II of the Act

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# §1508.7 Cumulative impact

action when added to other past, present, and reasonably foreseeable future actions regardless of what *Cumulative impact* is the impact on the environment which results from the incremental impact of the

# §1508.7 Cumulative impact

agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. action when added to other past, present, and reasonably foreseeable future actions regardless of what *Cumulative impact* is the impact on the environment which results from the incremental impact of the

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# §1508.8 Effects.

# Effects include:

- (a) Direct effects, which are caused by the action and occur at the same time and place
- on air and water and other natural systems, including ecosystems. related to induced changes in the pattern of land use, population density or growth rate, and related effects but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance,

also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may effects on natural resources and on the components, structures, and functioning of affected ecosystems), Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the

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# §1508.9 Environmental assessment.

Environmental assessment.

(a) Means a concise public document for which a Federal agency is responsible that serves to:

# §1508.9 Environmental assessment.

Environmental assessment

- (a) Means a concise public document for which a Federal agency is responsible that serves to:
- impact statement or a finding of no significant impact (1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental
- (2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.
- (3) Facilitate preparation of a statement when one is necessary.
- 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. (b) Shall include brief discussions of the need for the proposal, of alternatives as required by section

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# §1508.10 Environmental document.

§1508.11 (environmental impact statement), §1508.13 (finding of no significant impact), and §1508.22 (notice of intent). Environmental document includes the documents specified in §1508.9 (environmental assessment)

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# §1508.11 Environmental impact statement.

the Act. Environmental impact statement means a detailed written statement as required by section 102(2)(C) of

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# §1508.11 Environmental impact statement

the Act. Environmental impact statement means a detailed written statement as required by section 102(2)(C) of

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# §1508.12 Federal agency.

Development Act of 1974. Indian tribes assuming NEPA responsibilities under section 104(h) of the Housing and Community Office. It also includes for purposes of these regulations States and units of general local government and Judiciary, or the President, including the performance of staff functions for the President in his Executive Federal agency means all agencies of the Federal Government. It does not mean the Congress, the

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# §1508.13 Finding of no significant impact.

why an action, not otherwise excluded (§1508.4), will not have a significant effect on the human environment assessment but may incorporate it by reference. it (§1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the environmental assessment or a summary of it and shall note any other environmental documents related to and for which an environmental impact statement therefore will not be prepared. It shall include the Finding of no significant impact means a document by a Federal agency briefly presenting the reasons

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# §1508.14 Human environment

environment and the relationship of people with that environment. (See the definition of "effects" (§1508.8).) This means that economic or social effects are not intended by themselves to require preparation of an *Human environment* shall be interpreted comprehensively to include the natural and physical

why an action, not otherwise excluded (§1508.4), will not have a significant effect on the human environment assessment but may incorporate it by reference. it (§1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the environmental assessment or a summary of it and shall note any other environmental documents related to and for which an environmental impact statement therefore will not be prepared. It shall include the Finding of no significant impact means a document by a Federal agency briefly presenting the reasons

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# §1508.14 Human environment.

statement will discuss all of these effects on the human environment. social and natural or physical environmental effects are interrelated, then the environmental impact environmental impact statement. When an environmental impact statement is prepared and economic or This means that economic or social effects are not intended by themselves to require preparation of an environment and the relationship of people with that environment. (See the definition of "effects" (§1508.8).) Human environment shall be interpreted comprehensively to include the natural and physical

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# §1508.15 Jurisdiction by law.

*Jurisdiction by law* means agency authority to approve, veto, or finance all or part of the proposal.

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# §1508.16 Lead agency.

preparing the environmental impact statement. Lead agency means the agency or agencies preparing or having taken primary responsibility for

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# §1508.17 Legislation.

# §1508.17 Legislation.

significant cooperation is whether the proposal is in fact predominantly that of the agency rather than involved will prepare a legislative environmental impact statement requests for ratification of treaties. Only the agency which has primary responsibility for the subject matter another source. Drafting does not by itself constitute significant cooperation. Proposals for legislation include cooperation and support of a Federal agency, but does not include requests for appropriations. The test for *Legislation* includes a bill or legislative proposal to Congress developed by or with the significant

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# §1508.18 Major Federal action.

reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly law as agency action. (§1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is *Major Federal action* includes actions with effects that may be major and which are potentially subject to

- subsequent use of such funds. Actions do not include bringing judicial or administrative civil or criminal enforcement actions and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., with no Federal agency control over the regulations, plans, policies, or procedures; and legislative proposals (§§1506.8, 1508.17). Actions do not financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, include funding assistance solely in the form of general revenue sharing funds, distributed under the State (a) Actions include new and continuing activities, including projects and programs entirely or partly
- (b) Federal actions tend to fall within one of the following categories:
- formal documents establishing an agency's policies which will result in or substantially alter agency programs. Administrative Procedure Act, 5 U.S.C. 551 *et seq.;* treaties and international conventions or agreements; (1) Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the

- formal documents establishing an agency's policies which will result in or substantially alter agency programs. Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreements; (1) Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the
- guide or prescribe alternative uses of Federal resources, upon which future agency actions will be based. (2) Adoption of formal plans, such as official documents prepared or approved by federal agencies which
- systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive (3) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan;
- and federally assisted activities geographic area. Projects include actions approved by permit or other regulatory decision as well as federal (4) Approval of specific projects, such as construction or management activities located in a defined

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# §1508.19 Matter.

Matter includes for purposes of part 1504:

- regulation as those terms are used in section 309(a) of the Clean Air Act (42 U.S.C. 7609) (a) With respect to the Environmental Protection Agency, any proposed legislation, project, action or
- NEPA applies. (b) With respect to all other agencies, any proposed major federal action to which section 102(2)(C) of

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# §1508.20 Mitigation.

Mitigation includes:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

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# §1508.20 Mitigation. Mitigation includes:

- a) Avoiding the impa
- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment
- life of the action. (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

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# §1508.21 NEPA process

of NEPA. NEPA process means all measures necessary for compliance with the requirements of section 2 and title I

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# §1508.22 Notice of intent

considered. The notice shall briefly: Notice of intent means a notice that an environmental impact statement will be prepared and

- (a) Describe the proposed action and possible alternatives
- (b) Describe the agency's proposed scoping process including whether, when, and where any scoping

# §1508.22 Notice of intent

considered. The notice shall briefly: Notice of intent means a notice that an environmental impact statement will be prepared and

- (a) Describe the proposed action and possible alternatives
- meeting will be held (b) Describe the agency's proposed scoping process including whether, when, and where any scoping
- proposed action and the environmental impact statement. (c) State the name and address of a person within the agency who can answer questions about the

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# §1508.23 Proposal.

agency declaration that one exists. goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. Preparation of an environmental impact statement on a be included in any recommendation or report on the proposal. A proposal may exist in fact as well as by proposal should be timed (§1502.5) so that the final statement may be completed in time for the statement to Proposal exists at that stage in the development of an action when an agency subject to the Act has a

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# §1508.24 Referring agency.

environmental quality. determination that the matter is unsatisfactory from the standpoint of public health or welfare or Referring agency means the federal agency which has referred any matter to the Council after a

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impact statement. The scope of an individual statement may depend on its relationships to other statements consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include: (§§1502.20 and 1508.28). To determine the scope of environmental impact statements, agencies shall Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental

- (a) Actions (other than unconnected single actions) which may be:
- the same impact statement. Actions are connected if they: (1) Connected actions, which means that they are closely related and therefore should be discussed in
- (i) Automatically trigger other actions which may require environmental impact statements.
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously
- (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.
- impacts and should therefore be discussed in the same impact statement (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant
- should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement. common timing or geography. An agency may wish to analyze these actions in the same impact statement. It have similarities that provide a basis for evaluating their environmental consequencies together, such as (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions,
- (b) Alternatives, which include:
- (1) No action alternative
- (2) Other reasonable courses of actions
- (3) Mitigation measures (not in the proposed action).

- (2) Other reasonable courses of actions
- (3) Mitigation measures (not in the proposed action)
- (c) Impacts, which may be: (1) Direct; (2) indirect; (3) cumulative

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# §1508.26 Special expertise.

Special expertise means statutory responsibility, agency mission, or related program experience.

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# §1508.27 Significantly.

Significantly as used in NEPA requires considerations of both context and intensity:

- society as a whole (human, national), the affected region, the affected interests, and the locality. Significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and longvaries with the setting of the proposed action. For instance, in the case of a site-specific action, significance term effects are relevant (a) Context. This means that the significance of an action must be analyzed in several contexts such as
- in evaluating intensity: one agency may make decisions about partial aspects of a major action. The following should be considered (b) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than
- agency believes that on balance the effect will be beneficial. (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal
- (2) The degree to which the proposed action affects public health or safety.
- (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park

- in evaluating intensity: term effects are relevant would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and longone agency may make decisions about partial aspects of a major action. The following should be considered varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance society as a whole (human, national), the affected region, the affected interests, and the locality. Significance (a) Context. This means that the significance of an action must be analyzed in several contexts such as (b) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than
- agency believes that on balance the effect will be beneficial (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal
- (2) The degree to which the proposed action affects public health or safety.
- lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park
- controversial (4) The degree to which the effects on the quality of the human environment are likely to be highly
- unique or unknown risks (5) The degree to which the possible effects on the human environment are highly uncertain or involve
- represents a decision in principle about a future consideration. (6) The degree to which the action may establish a precedent for future actions with significant effects or
- small component parts environment. Significance cannot be avoided by terming an action temporary or by breaking it down into significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the (7) Whether the action is related to other actions with individually insignificant but cumulatively
- listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects

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# §1508.28 Tiering

subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is: reference the general discussions and concentrating solely on the issues specific to the statement national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by Tiering refers to the coverage of general matters in broader environmental impact statements (such as

statement or analysis of lesser scope or to a site-specific statement or analysis. (a) From a program, plan, or policy environmental impact statement to a program, plan, or policy

environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe. (b) From an environmental impact statement on a specific action at an early stage (such as need and site

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### §771.117 FHWA categorical exclusions.

- (a) CEs are actions that meet the definition contained in 40 CFR 1508.4, and, based on FHWA's past experience with similar actions, do not involve significant environmental impacts. They are actions that: Do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.
- (b) Any action that normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:
  - (1) Significant environmental impacts;
  - (2) Substantial controversy on environmental grounds;
- (3) Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or
- (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.
- (c) The following actions meet the criteria for CEs in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section and normally do not require any further NEPA approvals by the FHWA:
- (1) Activities that do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions that establish classes of highways on the Federal-aid highway system.
  - (2) Approval of utility installations along or across a transportation facility.
  - (3) Construction of bicycle and pedestrian lanes, paths, and facilities.
  - (4) Activities included in the State's highway safety plan under 23 U.S.C. 402.
- (5) Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
  - (7) Landscaping.

- (8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
- (9) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):
  - (i) Emergency repairs under 23 U.S.C. 125; and
- (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:
- (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
  - (B) Is commenced within a 2-year period beginning on the date of the declaration.
  - (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
  - (12) Improvements to existing rest areas and truck weigh stations.
  - (13) Ridesharing activities.
  - (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities that themselves are within a CE.
- (18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
  - (20) Promulgation of rules, regulations, and directives.

- (21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
- (22) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.

### (23) Federally funded projects:

- (i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) of Federal funds; or
- (ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.
- (24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.
- (25) Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.
- (26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.

- (27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.
- (28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.
- (29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities that themselves are within a CE.
- (30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.
- (d) Additional actions that meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant must submit documentation that demonstrates that the specific conditions or criteria for these CEs are satisfied, and that significant environmental effects will not result. Examples of such actions include but are not limited to:
  - (1)-(3) [Reserved]
  - (4) Transportation corridor fringe parking facilities.
  - (5) Construction of new truck weigh stations or rest areas.
- (6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
  - (7) Approvals for changes in access control.
- (8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
- (9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.

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- (b) Any action that normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:
  - (1) Significant environmental impacts;
  - (2) Substantial controversy on environmental grounds;
- (3) Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or
- (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.
- (c) The following actions meet the criteria for CEs in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section and normally do not require any further NEPA approvals by the FHWA:
- (1) Activities that do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions that establish classes of highways on the Federal-aid highway system.
  - (2) Approval of utility installations along or across a transportation facility.
  - (3) Construction of bicycle and pedestrian lanes, paths, and facilities.
  - (4) Activities included in the State's highway safety plan under 23 U.S.C. 402.
- (5) Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
  - (7) Landscaping.

- (8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
- (9) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):
  - (i) Emergency repairs under 23 U.S.C. 125; and
- (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:
- (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
  - (B) Is commenced within a 2-year period beginning on the date of the declaration.
  - (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
  - (12) Improvements to existing rest areas and truck weigh stations.
  - (13) Ridesharing activities.
  - (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities that themselves are within a CE.
- (18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
  - (20) Promulgation of rules, regulations, and directives.

- (21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
- (22) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.

### (23) Federally funded projects:

- (i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see <a href="https://www.fhwa.dot.gov">www.fhwa.dot.gov</a> or <a href="https://www.fhwa.dot.gov">www.fhwa.do
- (ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.
- (24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.
- (25) Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.
- (26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.

- (27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.
- (28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.
- (29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities that themselves are within a CE.
- (30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.
- (d) Additional actions that meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant must submit documentation that demonstrates that the specific conditions or criteria for these CEs are satisfied, and that significant environmental effects will not result. Examples of such actions include but are not limited to:
  - (1)-(3) [Reserved]
  - (4) Transportation corridor fringe parking facilities.
  - (5) Construction of new truck weigh stations or rest areas.
- (6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
  - (7) Approvals for changes in access control.
- (8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
- (9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.

- (10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
- (11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning, and where there is no significant noise impact on the surrounding community.
- (12) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
- (i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.
- (ii) Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.
- (13) Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.
- (e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:
- (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements:
- (2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;
- (3) A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act;

- (4) Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions;
  - (5) Changes in access control;
- (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.
- (f) Where a pattern emerges of granting CE status for a particular type of action, the FHWA will initiate rulemaking proposing to add this type of action to the list of categorical exclusions in paragraph (c) or (d) of this section, as appropriate.
- (g) FHWA may enter into programmatic agreements with a State to allow a State DOT to make a NEPA CE certification or determination and approval on FHWA's behalf, for CEs specifically listed in paragraphs (c) and (d) of this section and that meet the criteria for a CE under 40 CFR 1508.4, and are identified in the programmatic agreement. Such agreements must be subject to the following conditions:
- (1) The agreement must set forth the State DOT's responsibilities for making CE determinations, documenting the determinations, and achieving acceptable quality control and quality assurance;
  - (2) The agreement may not have a term of more than five years, but may be renewed;
- (3) The agreement must provide for FHWA's monitoring of the State DOT's compliance with the terms of the agreement and for the State DOT's execution of any needed corrective action. FHWA must take into account the State DOT's performance when considering renewal of the programmatic CE agreement; and
- (4) The agreement must include stipulations for amendment, termination, and public availability of the agreement once it has been executed.
- (h) Any action qualifying as a CE under §771.116 or §771.118 may be approved by FHWA when the applicable requirements of those sections have been met. FHWA may consult with FRA or FTA to ensure the CE is applicable to the proposed action.



Route 264 – Interchange Improvements – 64 WB Ramp to 264 EB

**Initial Financial Plan** 

December 31, 2015

State Project Numbers: 0264-122-108, P107, R204, C508, B602, B603, B604, B605, B616, D604, D605

UPCs: 57048, 108042

### Case 2:24-cv-00399-AWA-RJK Document 1-1 Filed 06/21/24 Page 99 of 233 PageID# 254

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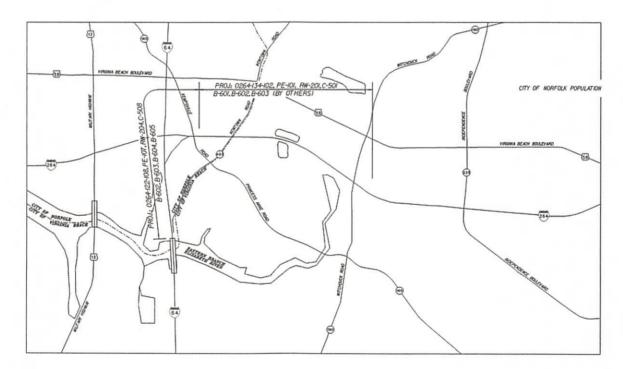
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F F F F F F F F F F F F F F F F F F F	Schedule

### 1. PROJECT DESCRIPTION

The proposed I-64/I-264 Ramp Improvement project is one of two adjacent projects which, when completed, will provide approximately 4 miles of interstate improvements from the Twin Bridges in Norfolk to the Witchduck Road interchange in Virginia Beach. The improvements will provide additional capacity, relieve daily congestion, reduce crash rates, and improve safety and traffic operations along the corridor.

The proposed I-64/I-264 improvements include adding a second exit lane on westbound I-64, the widening of the ramp from westbound I-64 to eastbound I-264, and introducing a new two lane Collector-Distributor (C-D) roadway from I-64 to the Newtown Road interchange mostly on the bridge structure. The project also includes a new two-lane flyover ramp from westbound I-64 tying into the existing eastbound I-264. The adjacent I-264/Witchduck Road Interchange & Ramp Improvements project (UPC 17630) includes extending the new C-D roadway from the Newtown Road interchange to the Witchduck Road interchange, reconfiguring the south side of both interchanges to eliminate the weave movements, and constructing an overpass to connect Greenwich Road on the south side of I-264 and Cleveland Street on the north side. Below figures show the project location map and project improvements.

### PROJECT LOCATION MAP







A Categorical Exclusion (CE) NEPA document was approved by Federal Highway Administration (FHWA) on July 9, 2007. The CE was combined to encompass the adjacent projects. An Interchange Modification Report was approved by FHWA on November 14, 2011. A combined Location and Design Public Hearing was held on July 14, 2011.

The project website has been established and is available at the following link: <a href="http://www.virginiadot.org/projects/hamptonroads/i-64-i-264">http://www.virginiadot.org/projects/hamptonroads/i-64-i-264</a> ramp and i-264 to witchduck road project.asp

### 2. SCHEDULE

The I-64/I-264 project is a Design-Bid-Build project. Pre-Advertisement Conference (PAC) meeting was held on November 19, 2015. Identified right of way total take parcels were submitted early and an advanced Notice to Proceed (NTP) for the total take parcels was issued on April 30, 2015. Partial take right of way NTP for the remaining impacted properties was issued on September 3, 2015. Right of way acquisition is currently underway. The project is projected to require a Type III Right of Way

certification as portions of the right of way and utilities relocations will not be cleared prior to the scheduled advertisement date. Construction Advertisement is currently scheduled for April 12, 2016 and construction NTP is expected by September 2016. The Preliminary Contract Time Determination (CTDR) schedule indicates construction duration of approximately three years with the construction completion projected in fall 2019.

### PROJECT SCHEDULE OVERVIEW (CALENDAR YEAR)

	2015	2016	2017	2018	2019		
Task	JFMAMJJASOND	JFMAMJJASOND	JFMAMJJASOND	J FMAMJ J A S O N D	J FMAMJ J A S O N D		
PE - Design							
RW/Utilities							
Construction							

### PROJECT SCHEDULE OVERVIEW (FISCAL YEAR)

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Task	JFMAMJ	JASONDJFMAMJ	JASONDJFMAMJ	JASONDJFMAMJ	JASONDJFMAMJ	JASOND	
PE - Design							
RW/Utilities	100						
Construction							

### 3. PROJECT COST

### **Narrative of Project Cost**

The current total project estimate is \$157,142,416. The project will be completed as a Design-Bid-Build project. The estimates, as well as current expenditures for Preliminary Engineering (PE), Right of Way (RW) and Construction (CN) costs are summarized in the table below. The project currently has active PE and RW phases. A portion of PE and all of RW phase will be funded by Hampton Roads Transportation Accountability Commission (HRTAC) Hampton Roads Transportation Fund (HRTF). These expenditures are summarized under a "child" UPC 108042 in the table below. On December 16, 2015 HRTAC signed a resolution to fund the CN phase of the project for \$137,023,653. Work to execute a Standard Project Agreement between VDOT and HRTAC is currently underway. Until the agreement is executed, the CN estimate is shown under UPC 57048. PE and RW expenditures as of December 22, 2015 are \$5,869,219.

### PROJECT COST BY PHASE

UPC	Phase	Estimate		Curr	ent Expenditures	Balance to Complete			
	PE	\$	5,047,700	\$	5,047,700	\$	-		
57048	RW	\$	-	\$	-	\$	-		
570	CN	\$	137,023,653	\$	-	\$	137,023,653		
	SUBTOTAL	\$	142,071,353	\$	5,047,700	\$	137,023,653		
	PE	\$	3,500,000	\$	716,463	\$	2,783,537		
108042	RW	\$	11,571,063	\$	105,056	\$	11,466,007		
108	CN	\$	-	\$	-	\$	-		
	SUBTOTAL	\$	15,071,063	\$	821,519	\$	14,249,544		
+ ~	PE	\$	8,547,700	\$	5,764,163	\$	2,783,537		
	RW	\$	11,571,063	\$	105,056	\$	11,466,007		
57048 +	CN	\$	137,023,653	\$	-	\$	137,023,653		
u,	TOTAL	\$	157,142,416	\$	5,869,219	\$	151,273,197		

### Cost Estimating Methodology

The preliminary engineering estimate includes field investigation costs for survey, geotechnical data collection, traffic counts, environmental support, and professional engineering design services to develop design plans and construction documents. Preliminary engineering estimate also includes right of way and utility charges prior to right of way notice to proceed.

The right of way phase estimate includes the actual cost of right of way and easements acquisition, miscellaneous fees associated with real estate closings as part of the project and oversight of the right of way acquisition, payment, and condemnation process. The right of way phase also includes utility design and public utility relocation fees.

The project construction cost estimate was developed through VDOT's TrnsPort estimate program and includes all roadway, bridge, drainage, traffic, maintenance of traffic, lighting, traffic control devices, traffic management systems, landscape and other items. The latest TrnsPort estimate was based on the revised Pre-Advertisement Conference (PAC) plans and updated December 31, 2015. The estimate includes 12% for Construction Engineering and Inspection (CEI) and 10% contingency.

### 4. PROJECT FUNDS

The project is funded by multiple funding sources, including Hampton Roads Transportation Funds (HRTF). Federal funds include Interstate Maintenance (IM) and Federal NHS. State funds include the match for the federal funds as well as Priority Transportation Funds (PTF). On April 16, 2015, Hampton Roads Transportation Accountability Commission (HRTAC) executed an Interim Project Agreement for Funding and Administration with VDOT which authorized \$15,071,063 of funding in support of

this project. On December 16, 2015, HRTAC signed a resolution to fund the CN phase of the project for \$137,023,653. Work to execute a Standard Project Agreement between VDOT and HRTAC is currently underway. The proposed contract assumes that HRTAC would fund costs out of the HRTF on a "pay as you go" basis. That approach is consistent with the initial funding plan approved by HRTAC. The TIP Amendment will be presented at the Transportation Technical Advisory Committee (TTAC) meeting on January 16, 2016 and the Hampton Roads Transportation Planning Organization (HRTPO) meeting on January 21, 2016 for approval.

Additionally, HRTPO has submitted an application through the House Bill 2 (HB2) prioritization process to help fund this project with statewide high priority grant funding. If this project is selected by the Commonwealth Transportation Board to receive the HB2 high priority grant funds, the amount of HRTAC funds that are currently allocated to the project will be reduced.

The table on the following page summarizes the current funding allocated to this project by fund source and year without the proposed \$137,023,653 discussed above.

### SUMMARY OF PROJECT FUNDING BY SOURCE

180 180 180 180 180 180 180 180 180 180	Funding Source	Previous	2017	TOTAL			
	Interstate Maintenance	\$ 676	\$ -	\$ 676			
- 2	National Highway System	\$ 3,237,559	\$ -	\$ 3,237,559			
3042	Federal Subtotal	\$ 3,238,235	\$ -	\$ 3,238,235			
108	State Match	\$ 809,465	\$ -	\$ 809,465			
57048 / 108042	Priority Transportation Funds	\$ 1,000,000		\$ 1,000,000			
UPC	State Subtotal	\$ 1,809,465	\$ -	\$ 1,809,465			
	HRTAC *	\$11,765,045	\$ 3,306,018	\$15,071,063			
	Other Subtotal	\$11,765,045	\$ -	\$11,765,045			
	TOTAL	\$16,812,745	\$ 3,306,018	\$20,118,763			

<sup>\* \$15,071,063</sup> in allocations is shown in the FY16 SYIP. HRTAC funding is under UPC 108042.

### **Federal Fund Sources and Special Funding Techniques**

The HRTPO has included all phases of this project in its Long Range Transportation Plan. The PE and RW phases of this project are included in HRTPO's TIP as well as the Commonwealth's FFY15-18 STIP.

Preliminary engineering associated with this project was authorized by the Federal Highway Administration (FHWA) on February 1, 2001 under federal project number 264-6(098). The authorization includes federal funds totaling \$5,321,729. Detailed information concerning federal fund sources and special funding techniques associated with the project authorization is provided below.

### PROJECT AUTHORIZATION DETAILS AS OF SEPTEMBER 30, 2015

Federal Project Number 2546098 UPC 57048 PE									
Cost	Federal Funds	AC Funds							
		\$0							
\$752	\$676	\$0							
\$2,319,529	\$1,855,623	\$0							
\$1,796,958	\$1,437,566	\$0							
\$1,000,000	\$1,000,000	\$0							
\$6,259,310 <sup>1</sup>	\$5,321,729	\$0							
	\$1,142,071 \$752 \$2,319,529 \$1,796,958 \$1,000,000 \$6,259,310 <sup>1</sup>	Cost         Federal Funds Obligated           \$1,142,071         \$1,027,864           \$752         \$676           \$2,319,529         \$1,855,623           \$1,796,958         \$1,437,566           \$1,000,000         \$1,000,000							

### 5. FINANCING ISSUES

On December 16, 2015 HRTAC signed a resolution to fund the CN phase of the project for \$137,023,653. Work to execute a Standard Project Agreement between VDOT and HRTAC is currently underway. No financing issues are anticipated at this time.

### 6. CASH FLOW

I-64/I-264 Ramp Improvement project annual cash expenditures are based on the project schedule developed by VDOT and the design team. The below table summarizes the cash flow analysis for the project and it will be updated annually as expenditures are incurred. It shows the comparison of previously expended and projected expenditures by fiscal year by phase against the total annual allocations.

### CASH FLOW ANALYSIS\*

Expenditures			Thru FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	TOTAL
00	PE	\$	5,047,700	\$ -	\$ -	\$ -	\$ -	\$ 5,047,700
57048	Right of Way	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -
5	Construction	\$	-	\$ 22,402,977	\$ 64,831,612	\$ 41,680,228	\$ 8,108,836	\$ 137,023,653
42	PE	\$	3,500,000	\$ *	\$ -	\$ -	\$ -	\$ 3,500,000
108042	Right of Way	\$	8,265,045	\$ 3,306,018	\$ 	\$ -	\$ -	\$ 11,571,063
10	Construction	\$	-	\$ -	\$ 	\$ -	\$	\$ -
	Cumulative expenditures	\$	16,812,745	\$ 42,521,740	\$ 107,353,352	\$ 149,033,580	\$ 157,142,416	\$ 157,142,416
1	Total Annual Allocations	\$	16,812,745	\$ 25,708,995	\$ 64,831,612	\$ 41,680,228	\$ 8,108,836	\$ 157,142,416
Cumulative Allocations		\$	16,812,745	\$ 42,521,740	\$ 107,353,352	\$ 149,033,580	\$ 157,142,416	\$ 157,142,416
Cas	Cash Flow per Year		-	\$ -	\$ -	\$ -	\$ -	

<sup>\*</sup>Note: This cash flow analysis includes the additional \$137,023,653 of HRTAC funds that will be discussed at the TTAC meeting on January 16, 2016 and the HRTPO meeting on January 21, 2016 for approval.

### 7. P3 ASSESSMENT

Alternate Project Delivery Office reviewed the project and determined that the project is not a good candidate for a Design-Build procurement or a P3 delivery.

### 8. RISK AND RESPONSE STRATEGIES

The Virginia Department of Transportation (VDOT) conducted a one-day facilitated risk workshop for the I-64/264 Interchange project on Monday, November 17, 2014. The workshop was held at the VDOT Hampton Roads District office in Suffolk, Virginia. Michael Loulakis (President, Capital Project Strategies, LLC) facilitated the workshop, which was attended by 28 individuals from VDOT, Hampton Roads Transportation Accountability Commission (HRTAC), the Federal Highway Administration (FHWA), and project consultants.

The workshop participants identified a total of forty-five (45) individual risks, based on the assumption that the project would be delivered through a Design-Bid-Build process. Participants found the following six (6) project risks to be the most significant:

- Ramp D-7 construction
- Potential need to acquire additional property
- ROW acquisition and utilities relocation schedule
- Maintenance of Traffic (MOT) and sequencing of construction (SOC)
- Aggressive schedule to meet construction advertisement date
- Project's fixed budget

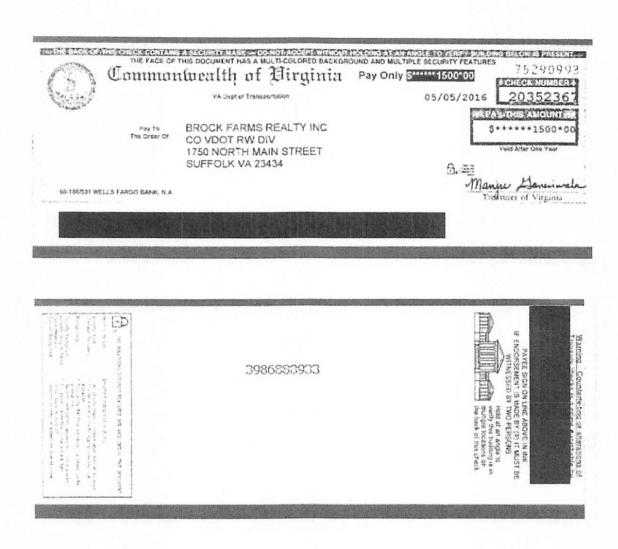
Of the above risks, the most significant to project delivery was considered to be the aggressive schedule to meet the advertisement date.

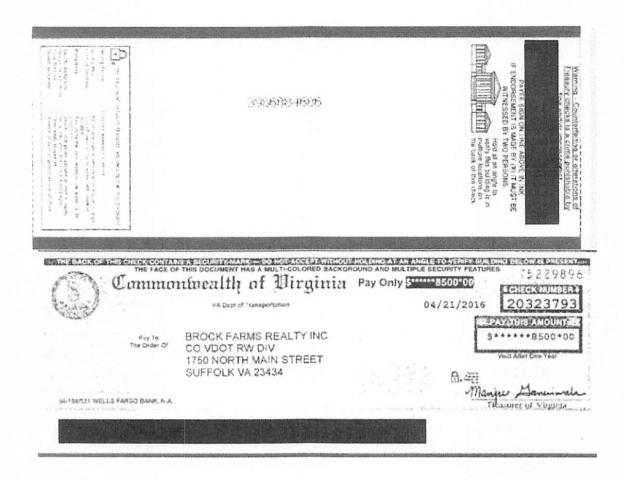
Each of the above risks has a high level of complexity and the potential, if not continually addressed and mitigated throughout the project development, to have a major impact on the project's cost and/or schedule (i.e., both the pre-advertisement schedule and the post-award schedule). Importantly, several risks are highly dependent upon and influenced by other risks, with the most notable being: (a) the aggressive schedule to meet the advertisement date; and (b) the project's fixed budget. These two risks were perceived to impact resource allocation, quality of work, post-award risk of change orders, and a variety of other issues.

On December 16, 2015 HRTAC signed a resolution to fund the construction phase of the project. Work to execute a Standard Project Agreement between VDOT and HRTAC is currently underway. In addition HRTPO requested HB2 funding for the construction phase of the project.

### 9. ANNUAL UPDATE CYCLE

The submission date of the Initial Financial Plan is December 31, 2015. The first annual update will be submitted by December 31, 2016 and will be based on a "data as of" date of September 30, 2016. Future annual updates will be submitted by December 31 of that year, with a "data as of" date of September 30 of that year.





# Pembroke Title

520 W. 21st St. #G2-229

Norfolk, VA 23517

Phone (757) 627-4700 ~ Fax (757) 627-0229 ~ Cell (757) 409-7614

# Title Report

Dated:

June 21, 2018

Our Case#

18-1344

Owners:

Paul R. Davis, Jr. & Patricia Ann Davis

Address:

120 Kidd Boulevard, Norfolk, VA

Prepared for:

Paul Richard Davis

**Effective Date:** 

June 20, 2018, at 8:00 am

Per your request, we researched the indices of the Clerk's Office of the Circuit Court for the City of Norfolk, Virginia, insofar as the correct legal description, and report our title examination follows:

## Legal Description:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia, and known, numbered and designated as Lot Three (3), in Block A of Section 1, as shown on that certain plat entitled, "Subdivision of Part of McGinnis Tract, River Forrest Shores, Princess Anne County, Virginia", made by Phillip D. Freeman, C.E., dated June, 1952, which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 32, at page 6, reference to which is hereby made for a more particular description thereof; and the riparian and other rights in and to the property extending beyond Lot 3 into the center of Mill Creek, as described in the Deed of Benjamin T. Backus, et ux, to the McGinnis Industrial Center, Incorporated, dated May 20, 1949 and duly recorded in the aforesaid Clerk's Office in Deed Book 263, at page 459.

Page 2

RE: 120 Kidd Boulevard, Norfolk, VA

It being the same property conveyed unto Paul R. Davis, Jr. and Patricia Ann Davis, husband and wife, as tenants by the entirety with rights of survivorship, by Deed of Gift dated September 12, 1997 from Paul R. Davis, Jr. and Patricia Ann Davis, Ruth E. Browder and Charles L. Browder, Jr., Eva D. Dozier and Gordon H. Dozier, recorded September 16, 1977, as Instrument # 970017479.

It further being the same property conveyed unto Ruth E. Davis (with life estate), Paul R. Davis, Jr., Ruth E. Browder and Eva D. Dozier, by Deed of Gift dated September 5, 1966, from Ruth E. Davis, widow, recorded September 12, 1966 as Instrument # 9600152346.

It further being the same property conveyed unto Paul R. Davis and Ruth E. Davis, husband and wife, by Deed dated June 24, 1957 from William R. Pefley and Dorothy L. Pefley, recorded in Deed Book 501 page 396. The said Paul R. Davis, Sr. department this life June 23, 1986, and the property descended by operation of law to Ruth E. Davis.

It further being the same property conveyed unto William R. Pefley by Deed dated June 26, 1956 from Hugo E. Sellger and A. Edna Sellger, recorded July 6, 1956 in Deed Book 459 page 490.

It further being part of the property conveyed unto Hugo E. Sellger and A. Edna Sellger by Deed dated December 17, 1954 from McGinnis Industrial Center, Incorporated, recorded April 20, 1955 in Deed Book 400, page 57; Deed of Correction, dated October 1, 1956, to correct legal description as to land between lots and water, recorded October 5, 1956 in Deed Book 471 page 477.

NOTE: The Norfolk Assessor and Treasurer's records erroneously reflect ownership of the land between Lot 3 and center of Mill Creek as Brock Farms Realty, Inc. The Virginia Beach Commissioner of Revenue no longer has historical "cards" reflecting notes of ownership. The subdivision plat, MB 32 p. 6, makes no mention as to land between lots and water.

# REAL ESTATE ASSESSMENT / TAX INFO:

Assessment:

Land: \$60,000.00

Improvements \$96,100.00

Total \$156,100.00

Annual Real Estate Taxes: \$1,795.16 (\$ 448.79p/q)

### Page 3

RE: 120 Kidd Boulevard, Norfolk, VA

## Objections to title:

- 1. Any lien or right to a lien, for services, labor or material imposed by law and not shown by the public record.
- 2. Any supplemental or special assessments on new construction not presently disclosed by the public records which may become due and owing on the insured premises.
- 3. Rights or claims of parties in possession not shown by the public records.
- 4. Encroachments, overlaps boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
- 5. Taxes or special assessments which are not shown as existing liens by the public records.
- 6. Any deed of trust or other lien created by or resulting from the actions of the insured.
- 7. Covenants, conditions and restrictions, if any, appearing in the public records.
- 8. Any lease, grant, exception or reservation of minerals or mineral rights appearing in the public records.
- 9. Chain of title prior to December 17, 1954.

This report conveys no warranty or insurance of any kind whatsoever and does not obligate the issuer to issue title insurance.

PEMBROKE THIER

By: Live Little

VÎRGINIA:

In the Clerk's Office of the Corporation Court of the City of Norfolk, on the 12 day of 1966 at 3 30 M.

This Deed was this day received and upon certificate of acknowledgment, thereto annexed, admitted to record.

TESTE: W. L. PRIEUR, Jr., Glerk

Delivered to

5396

This Bred, Made this 10th day of April

0 64 60

and between Paul R. Davis, Sr. and Ruth E. Davis, his wife

County, and described as follows

Being as shown on Sheet 501-7 of the plans to be used for Route 64, State Highway
Project 8064-122-103; R/W 201; and lying on the west (right) side of the centerline of
proposed Route 64, and adjacent to the south property line of Eugenia W. Copes from the
Lands of Eugenia W. Copes opposite approximate Station 656+12 to the Lands of the Landsware
opposite approximate Station 656+50 and containing 0.016 acre, more or less, land

Enlowing is the meter and bounds description of the subject property. Beginning at a point said point being 188.16 on the right of and at right angles to Station 650.26.09 (Centerline proposed Route 64) said point being 593.98; south of existing south tight of way like of Curley Brive. From the point thus established and running N 3° 48; 19" N an approximate distance of 17"; thence in a southeasterly direction a distance of approximately 56° to a point; said point being mean low water mark of Mill Greek. Thence in a southerly direction along the mean low water mark of Mill Creek, a distance of approximately 10"; to a point; thouse running N 63° 291 06° W, a distance of approximately 47° to the point of beginning, and being a part of the same hand acquired by the granter from William R., Perfey and Dorothy E. Perfey, by deed dated June 24, 1957, and recorded in need Book 459.

For a more particular description of the land herein conveyed, reference is made to a photo copy of suid Sheet 501-7, showing particular RED the land conveyed in Lee simple.

Which photo copy is herete attached at a part of this conveyance and recorded simultaneously herewith to the State Haglings Flat Books.

The said granter coverants that he is served of the land in fee simple herein conveyed, that he has the right to convey the said land; that the frances that he has done no call to exclude the said land; that the charge and that he will except, such higher assurances of the said land as may be requisite.

The soul granter coverants and agrees for himself, his here suggested and assigns that the consideration hereing above mentioned and paid to him shall be in from of any and all claims to compensation for land, and for damages, if any to the remaining limits of the granter granter in the head to be conveyed, including such draining lightless as may be necessary.

WITNESS the following signatures and scals:

Haul R. Wave Dr. C.

State Hevy Plat Book No. 4 Page 274 21.6 73.7

STATE OF VIRGINIA,	
ag	
County of Morfelk Town	
Bose M. Haple	
City 1	a Notary Public in and for
the Gounty-aforesaid, in the State of Virginia, do certify if	not (Haul P. Darie Sr.
and Lette & Davis	
	whose names are signed to the foregoing writing,
bearing date on the 10 to day of Jones	
72-	, 100 F, nave eller
acknowledged the same before me in my County aforesaid.	
My term of office expires of eleverary 5	1918
Given under my hand this / Stik day of Oux	/ Amount
Given under my name this 1 0000 day of 100 x	19 200 11 11 11 11 11
	The To This les is the
	Notary Public.
5/	当れ、ヘグショ
	1 1 1 2 S S S S S S S S S S S S S S S S
VIRGINIA:	
In the Clerk's Office of	t the Corporation Court of the City of
witt Si	19 - 19 - 10 - 113 Fa/ M.
This Deed was this day r	coving and upon certificate
of acknowledgment, thereto	
$m_{ m e}$	STE W I PRIMUR IS CL. I.

5497

THIS DEED OF TRUST: Made this 16 day of June 19 66, between LEO E. SHALHOUP and JEWELL D. SHALHOUP, flusband and write, parties of the first part hereinafter called "Grantors" (whether singular or plural) and I Frederick T. Stant, Jr. of resident of the City of Norfolk, Virginia, and Jack B. Stokes a resident of the City of Norfolk, Virginia, Trustees, parties of the second part, hereinafter called "Trustee" (whether singular or plural) either of whom may act alone

WITNESSETH: That the granters do grant and convey with General Warranty unto the said Trustee the following property, to-wit:

All that centain for, piece on parcel or land, together with the buildings and improvements thereon, Situate, lying and being in the City of Nonfolk, Vinginia, being known, numbered and designated as Lot II, in Block 4, on that certain plat entitled "Subdivision of Bel-Air, Section 3", which said plat is duly recorded in the Clerk's Office of the Circlif Court of Virginia Beach (formenly Princess Anne County), Virginia, in Map Rook 36, at page 31.

It being the same property conveyed to the parties of the first part by deed of William E. Themas and Betty J. Thomas, husband and wife, dated June 28, 1961, and duly recorded in the Clerk's Office of the Corporation Court of the City of Norfolk, Virginia in Beed Book 869 at page 651.

Together with all buildings, improvements, fixtures, or appurtenances now or hereafter erected thereon, including all apparatus, equipment, fixtures, or articles whether misingle units of centrally controlled, used to supply heat, gas, air conditioning, water, lightly power, refrigeration, ventilation or other services, and also together with any screens, window, shades, storm doors aid windows, screens doors awnings, stoyes and water heaters (all of which are deduced to be a part of said real estate whether physically attached thereto or not).

evidenced by one negotiable promissory note of even date herewith

The debt herein secured having been fully pald and Satisfied the lien of this deed of trust is hereby released, this lien of this deed of trust is hereby released, this lien to the judy of lient is hereby released, this lien is helder of the debt party thought in the Actions is helder of the debt party the lien. The lien at the ATTEST. Should be sufficiently the lien is the lien in the lien is the lien in the lien in the lien is the lien in the lien in the lien is the lien in the lien of the lien in the l



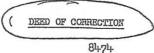
COPY TESTE:
GEORGE F. SCHAEFER/CLERK.
NORFOLK CARCUIT COURT
BY
Nakia Ward, Deputy Clerk
Authorized to sign on behalf
of George E. Schaefer
Date: 10 20 20

9+10+

MCGINNIS INDUSTRIAL CENTER, INCORPORATED

tic

HUGO E. SELLGER, et ux A. EDNA SELLGER, et vir with rights of survivorship



THIS DEED OF CORRECTION, Made this the lat day of October, 1956, between McGINNIS INDUSTRIAL CENTER, INCORPORATED, a corporation duly organized and existing under and by virtue of the laws of the State of Virginia, party of the first part, and HUGO E. SELLGER and A. EDNA SELLGER, husband and wife, parties of the second part.

#### WITNESSETH:

THAT WHEREAS, by deed dated December 17, 1954, and duly of record in the Clerk's Office of the Circuit Court of Princess Anne County, Virginia, in Deed Book 400, at Page 57, the said party of the first pert did grant and convey unto the parties of the second part certain lots, pieces or parcels of land in Kempsville Magisterial District, Princess Anne County, Virginia, as shown on the plat entitled "Subdivision of part of McGinnis Tract, River Forrest Shores, Princess Anne County, Virginia", the said lots therein conveyed being specifically designated in said deed; and

WHEREAS, it was the intention of the parties that the said deed should convey to the said parties of the second part all riparian rights appertaining to said lots, but such intention was not specifically set forth in said deed, and the parties hereto now desire to correct said deed of December 17, 1954.

NOW, THEREFORE, in consideration of the premises and of ONE (\$1.00) DOLLAR, cash in hard paid by the parties of the second part, to the party of the first part, the receipt whereof is hereby acknowledged, the said McGINNIS INDUSTRIAL CENTER, INCORPORATED, a Virginia corporation, party of the first part, doth grant and convey unto HUGO E. SELLGER and A. EDNA SELLGER, husband and wife, as tenants by the entireties with the right of survivorship, as at common law, parties of the second part, all the right, title, and interest of the said party of the first part in and to all riparian rights appertaining to the following described property, to-wit:

Clso, See pq. 2 BOOK 471 PAGE 478

All those certain lots, pieces or parcels of land, situated in the County of Princess Anne, Virginia, Kempsville Magisterial District, known and numbered as Lots One (1) through Seven (7), both inclusive, and Lots Nine (9) and Ten (10), Lots Twenty-five (25) through Twenty-seven (27), both indusive, Lots Thirty-four (34) and Thirty-five (35), Thirty-eight (38), Fortythree (43), Forty-four (44), Forty-six (46) through Forty-nine (49), both inclusive, and Parcel "R", all of which are in Block A of Section 1, and Lots Two (2), Five (5) through Nine (9), both inclusive, in Block J of Section 1, as shown on the plat of "Subdivision of part of McGinnis Tract, River Forrest Shores, Princess Anne County, Virginia", made by Philip D. Freeman, C.E., dated June, 1952, which plat is duly of record in the Clerk's Office of the Circuit Court of Princess Anne County, Virginia, in Map Book 32, at Page 6; reference to said plat is hereby made for a more particular description of the said property; together with all the interest, if any, of the above grantor in and to the land, if any, between the aforesaid lots and the high water mark of the water upon which the aforesaid lots front.

IN WITNESS WHEREOF, McGINNIS INDUSTRIAL CENTER, INCORPORATED, has caused this instrument to be executed in its corporate name by its officers duly authorized and its corporate seal to be hereunto duly affixed and attested by its Secretary, all the day, month and year first hereinabove written:

MCGINNIS INDUSTRIAL CENTER, INCORPORATED

By Africant Vice-President

ORFO MOS

Becretary

800x 471 rag 479

STATE OF VIRGINIA, CITY OF NORFOLK, to-wit:

I, Donna P. Smith , a Notary Public in and for the City of Norfolk, in the State of Virginia, do certify that HUGO E. SELICER and MARY B. MARTIN, Vice-President and Secretary, respectively, of Mccinnis INDUSTRIAL CENTER, INCORPORATED, whose names as such are signed to the writing above, bearing date the 1st day of October, 1956, have acknowledged the same before me, in my City and State aforesaid.

My commission expires April 17, 1960.

GIVEN under my hand this the 4th day of October, 1956.

Notary Public

In the Clerk's Office of the Circuit Court of Princess Anne County, on the 3th day of 6th end of 19th and 15th M., this Deed was received and upon the certificate of acknowledgment thereto annexed, admitted to record.

TESTE: JOHN V. FENTRESS, Clerk

TESTE: JOHN V. FENTRESS, Clerk
By May C. Lagole D. C.

Kellam + Rellamathy

15236

BK 2833PG0344

Mode

THIS DEED OF GIFT, made this 5th day of September, 1996, by and between Ruth E. DAVIS, widow, GRANTOR; and Ruth E. DAVIS (Life Estate), and Paul R. DAVIS, JR., Ruth E. BROWDER, and Eva D. DOZIER, (Remainder), GRANTEES, whose address is 3472 Bessie Street, Norfolk, Virginia 23513.

WITNESSETH: That for and in consideration of the mutual love and affection the party of the first part holds for the parties of the second part, the said party of the first part does hereby grant and convey with General Warranty and English Covenants of Title, unto the said parties of the second part, subject to an Estate for Life reserved to Ruth E. Davis, the Grantor, in and to the following described property, to-wit:

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia, and known, numbered and designated as Lot Three (3), in Block A of Section 1, as shown on that certain plat entitled "Subdivision of Part of McGinnis Tract, River Forrest Shores, Princess Anne County, Virginia" made by Philip D. Freeman, C.E., dated June, 1952, which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 32, at page 6, reference to which is hereby made for a more particular description thereon; and the riparian and other rights in and to the property extending beyond Lot 3 unto the center of Mill Creek, as described in the deed of Benjamin T. Backus et ux., to the McGinnis Industrial Center, Incorporated, dated May 20, 1949, and duly recorded in the aforesaid Clerk's Office in Deed Book 263, at page 459.

IT BEING the same property conveyed to Paul R. Davis and Ruth E. Davis, husband and wife, by deed of William R. Pefley, et ux., dated June 24, 1957, and duly recorded in the aforesaid Clerk's Office in Deed Book 501, at page 396. The said Paul R. Davis, Sr. departed this life on June 23, 1986, and the property descended by operation of law to Ruth E. Davis.

PENDER & COWARD

A FROFESCIONAL COMPORATION
ATTORNEYS AT LAW
VIRGINIA BEACH,
VIRGINIA



## BK 2833 PG 0345

This conveyance is made expressly subject to the conditions, restrictions, conveyances and easements of record, if any, constituting constructive notice.

Pursuant to Section 58.1-811 of the Code of Virginia of 1950, as amended, this instrument is a Deed of Gift and this is to certify that no consideration has passed between the parties and as such this instrument is not subject to taxation.

WITNESS THE FOLLOWING signature and seal:

Ruth E. Davis (SEAL)

STATE OF VIRGINIA

CITY OF VIRGINIA BEACH, to-wit:

I, the undersigned authority, a Notary Public in and for the City and State aforesaid, do hereby certify Ruth E. Davis, widow, whose name is signed to the foregoing Deed of Gift bearing date on the 5th day of September, 1996, have acknowledged the same before me in my City and State.

GIVEN under my hand this the day of September, 1996.

Notary Public

My Commission Expires: 4-30 99

PENDER & COWARD

A PROFIDENCIAL CORPORATION

ATTORNEYS AT LAW

VIRGINIA BEACH,

VIRGINIA

BK 2833 PG 0346

INSTRUMENT #960015236
RECORDED IN THE CLERK'S OFFICE OF
NORFOLK ON
SEPTEMBER 12, 1996 AT 10:00AM
ALBERT TEJCH, "JR., CLERK

### BK 2 9 4 2 PG 0 3 5 3

17479

no Jox

THIS DEED OF GIFT, made this 12th day of September, 1997, by and between Paul R. DAVIS, JR. and Patricia Ann DAVIS, his wife; Ruth E. BROWDER and Charles L. BROWDER, JR., her husband; and Eva D. DOZIER and Gordon H. DOZIER, her husband, GRANTORS, parties of the first part; and Paul R. DAVIS, JR. and Patricia Ann DAVIS, husband and wife, GRANTEES, parties of the second part whose address is 3472 Bessie Street, Norfolk, Virginia 23513.

WITNESSETH: That for and in consideration of the mutual love and affection the parties of the first part hold for the parties of the second part, the said parties of the first part do hereby grant and convey with General Warranty and English Covenants of Title unto the said parties of the second part, as temants by the entireties with the right of survivorship as at common law, the following described property, to-wit:

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia, and known, numbered and designated as Lot Three (3), in Block A of Section 1, as shown on that certain plat entitled "Subdivision of Part of McGinnis Tract, River Forrest Shores, Princess Anne County, Virginia", made by Philip D. Freeman, C.E., dated June, 1952, which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 32, at page 6, reference to which is hereby made for a more particular description thereof; and the riparian and other rights in and to the property extending beyond Lot 3 unto the center of Mill Creek, as described in the deed of Benjamin T. Backus, et ux. to the McGinnis Industrial Center, Incorporated, dated May 20, 1949, and duly recorded in the aforesaid Clerk's Office in Deed Book 263, at page 459.

PENDER & COWARD
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
VIRGINIA BEACH,
VIRGINIA

### BK 2 9 4 2 PG 0 3 5 4

IT BEING the same property conveyed to Paul R. Davis, Jr., Ruth E. Browder and Eva D. Dozier by deed of Ruth E. Davis, widow, dated September 5, 1996, and duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Deed Book 2833, at page 344.

This conveyance is made expressly subject to the conditions, restrictions, conveyances and easements of record, if any, constituting constructive notice.

Pursuant to Section 58.1-811 of the Code of Virginia of 1950, as amended, this instrument is a Deed of Gift and this is to certify that no consideration has passed between the parties and as such this instrument is not subject to taxation:

WITNESS THE FOLLOWING signature and seal:

_	
Paul Z. 1 Josep	_(SEAL)
Paral R. Davis, Jr.	•
Tarricia and Bau	SEAL)
Patricia Ann Davis	
Lutto E. Brander	(SEAL)
Ruth E. Browder	
Charles J. Brown Per	(SEAL)
Charles L. Browder, Jr.	•
Sin Dover	(SEAL)
Eva D. Dozler	
$\bigcirc$	(SEAL)
Gordon H. Dozier	

PENDER & COWARD
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
VIRGINIA BEACH,
VIRGINIA

# 8K 2942 PG 0 355

#### STATE OF VIRGINIA

CITY OF VIRGINIA BEACH, to-wit:

I, the undersigned authority, a Notary Public in and for the City and State aforesaid, do hereby certify that Paul R. Davis, Jr. and Patricia Ann Davis, his wife, whose names are signed to the foregoing Deed of Gift bearing date on the 12th day of September, 1997, have acknowledged the same before me in my City and State.

GIVEN under my hand th day of September, 1997.

My Commission Expires: 4/30/99

STATE OF VIRGINIA

CITY OF VIRGINIA BEACH, to-wit:

I, the undersigned authority, a Notary Public in and for the City and State aforesaid, do hereby certify that Ruth E. Browder and Charles L. Browder, Jr., her husband, whose names are signed to the foregoing Deed of Gift bearing date on the 12th day of September, 1997, have acknowledged the same before me in my City and State.

GIVEN under my hand and this day of \September, 1997.

My Commission Expires: 4/30/99

PENDER & COWARD ATTORNEYS AT LAW VIRGINIA BEACH,

VIRGINIA

# BK 2942PG 0356

CITY/COUNTY OF LA ROOCH , to-wit:

I, the undersigned authority, a Notary Public in and for the City/County and State aforesaid, do hereby certify that Eva D. Dozier and Gordon H. Dozier, her husband, whose names are signed to the foregoing Deed of Gift bearing date on the 12th day of September, 1997, have acknowledged the same before me in my City and State.

GIVEN under my hand this 13th day of September, 1997.

Notary Public

My Commission Expires: 8/31/99

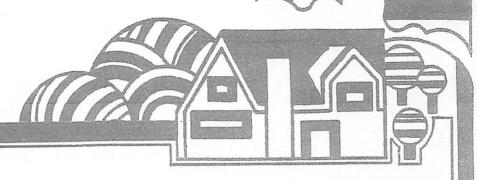
DELIVERED TO:

INSTRUMENT #970017479
RECORDED IN THE CLERK'S OFFICE OF
NORFOLK ON

SEPTEMBER 16: 1997 AT 03:59PM

Y JULY DEPUTY CLERK

ENDER & COWARD
OFERSIONAL CORPORATION
FTORNEYS AT LAW
VIRGINIA BEACH,
VIRGINIA



DENNIS BAILEY & ASSOCIATES
Real Estate Appraisers
228 NORTH DONNAWOOD DRIVE
SUITE 103
VIRGINIA BEACH, VA 23452
(757) 498-9280 • FAX: (757) 498-9774

# APPRAISAL REPORT

FOR:

Chartway Federal Credit Union RE: Davis, Paul R. & Patricia A.

May 13, 1999

GENTLEMEN:

AS REQUESTED (I-WE) HAVE PERSONALLY INSPECTED THE PROPERTY DESCRIBED AS:

120 Kidd Boulevard Norfolk, Virginia 23502

THE PURPOSE OF THIS APPRAISAL IS TO ESTIMATE THE MARKET VALUE OF THIS PROPERTY AS OF May 10, 1999 IT IS MY OPINION THAT THE MARKET VALUE AS OF THE AFOREMENTIONED DATE IS:

\$84,000.00

THE PROPERTY WAS APPRAISED AS A WHOLE, OWNED IN FEE SIMPLE AND UNENCUMBERED, SUBJECT TO THE CONTINGENT AND LIMITING CONDITIONS OUTLINED HEREIN.

JOHN E PITTS of Residential
Certified Residential Appraiser

Case 2:24-cv-00399-AWA-RJK Document 1-1 Filed 06/21/24 Page 127 of 233 PageID# 282 2.1 have taken into consideration the factors that have an impact on value in my development of the estimate of market

value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.

- 3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and concluclusions, which are subject only to the contingent and limiting conditions specified in this form.
- 4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
- 5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
- 6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrance of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
- 7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
- 8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
- 9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

#### ADDRESS OF PROPERTY APPRAISED:

120 Kidd Boulevard, Norfolk, VA 2	3502
A CHILLEN	
APPRAISER:	SUPERVISORY APPRAISER (only if required):
Signature:	Signature:
Name: John E. Pitts of Rasidential	Name:
Date Signed: May (1/3, 1999) Ecitivo	Date Signed:
State Certification #: 4001 002575	State Certification #:
or State License #:	or State License #:
State: VA	State:
Expiration Date of Certification or License: 03/31/2000	Expiration Date of Certification or License:
	Did Did Not Inspect Property

- Case 2:24-cy-00399-AWA-RJK Document 1-1 Filed 06/21/24 Page 128 of 233 PageID# 283 and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- 5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. The separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
- 6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- 7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- 8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
- 9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
- 10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

Freddie Mac Form 439 6-93

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a concern open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgears and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and passing of title from seller to buyer under conditions whereby: (1) buyer and seller are trouble motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best market; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustments should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

## STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

- 1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- 2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- 5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. The separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
- 6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- 7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- 8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
- 9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be confirmed.

Borrower/Client: Davis, Paul R. Jr., and Patricia A.

Property Address: 120 Kidd Boulevard City/State/Zip: Norfolk, Virginia 23502

Lender: Chartway FCU

The subject property is located in river Forest, an established area in the city of Norfolk. The neighborhood is primarily residential with a few small commercial properties located along the main thoroughfares. These commercial properties do not appear to have any adverse marketing effects on the subject property nor it's neighborhood. Essential services are nearby and the major traffic arteries lead to regional employment centers.

The subject property is a 3 bedroom, 2.0 bath, 1-story house constructed on a crawl foundation. The exterior is siding. The property has storm windows and storm doors, covered porch, deck, 3 sheds, and ceiling fans.

All comparable properties used are current sales located in the subject's neighborhood. Adjustments were made for gross living area, construction, and amenities. The comparables used are the most suitable found and deemed to be good indicators of value.

All comparable dates used in this appraisal report are closed dates. Fencing was not considered in this appraisal due to the insignificant impact it has on buying decisions and the difficulty of establishing ownership of the comparable properties fencing.

Site information was taken from city records and is believed to be accurate.

This appraisal was prepared for those Parties, and/or their assigns named as the lender/client in the URAR and is for their sole and exclusive use. This appraisal was prepared in accordance with the Uniform Standard of Professional Appraisal Practice. A Statement of Limiting Conditions and Appraiser's Certification has been provided with this appraisal and should be given the same consideration as the remainder of this report.

John T. Schropp has significantly contributed to the development of this appraisal. He assisted in gathering pertinent information necessary to prepare the report, entered the property and thoroughly researched comparable sales data for use in the market analysis.

Dwelling 1,26	O surres -O.	WA-RJK Docu 87 - s	ment_1-1	Filed 06/21/24	Page 13	1 of 233 PageID	# <mark>2</mark> 86
Commence of the second	Sq.Ft@S porch,3shed	ls =	7,500		2 2		
Garage/Carport		=		see ske	tcn		and the same of the design of the same of
Total Estimated Cost			9,467	MILTO HO	TOD MEDO	OC THE MENTAL	Dr.
Less Physica		External	11 4	****	A DESCRIPTION OF THE PERSON NAMED IN COLUMN 1	rs hud minimu	JM
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Depreciated Value of		= \$			ma opman	INTO TOOK MAD	CILATI
"As-is" Value of Site I		= \$	4,0	OU COST DA	TA OBTAI	NED FROM MAR	CSHALL
INDICATED VALUE	BY COST APPROAC					ATION SERVICE	
ITEM	SUBJECT	COMPARABLE		COMPARABLE		COMPARABLE	NO. 3
120 Ki		5836 Sellger	r Drive	5944 McGinn	ıs	120 Kid	
Address Boulev	ard	with the state of		Circle		Boulevard	
Proximity to Subject		1 block		7 0 0000		same block	
Sales Price	s n/a	\$ 78.01 🛚	88,000	)    \$	89,900	) s.	84,000
Price/Gross Liv. Area	\$ O 🗹	s 78.01 ☑	milanti nahi	\$ 62.17		\$ 61.05 ☑	11.0
Data and/or							
Verification Sources	Pys. Insp.	Tax records	& MLS	Tax records	& MLS	Tax records	& MLS
VALUE ADJUSTMENTS			+ (-) \$ Adjustment	DESCRIPTION	+ (-) \$ Adjustmen		- (-) S Aquetment
Sales or Financing		CLOSED		CLOSED		CLOSED	
Concessions		VA	CONTENT OF THE PROPERTY OF THE	FHA		VA	
Date of Sale/Time	halond to the	3/17/99		11/11/98		12/4/98	
	River Fst	River Fst		River Fst		River Fst	
Leasehold/Fee Simple	•	Fee		Fee		Fee	
AND ADDRESS OF THE PARTY OF THE	A SECURE OF THE PARTY OF THE PA	90x125/avg		80a125/avg		82x125/avg	
	average	average		average		average	
Design and Appeal	ranch /ava	ranch/avg		ranch/avg		ranch/avg	
		brick/crawl	-2500	brick/crawl	-2500	sid/crawl	
Quality of Construction	44	44	-2300	45	2500	44	
Age		THE RESERVE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.		average		average	
	average	average		A STATE OF THE PARTY OF THE PAR			
	Total Bdrms Baths		.1000	Total Bdrms Baths	.1000	Total Bdrms Baths	
Room Count	7 3 2.0	6 3 1.0	+1000	The territories of spinor and appear to the second		*****	
	Principle (1997) - 1997	1128 Sq. Ft.	+1680	1446 Sq. Ft.	-2136	1376 Sq. Ft.	-1296
Basement & Finished							
Rooms Below Grade	A contract to the contract of	none		none		none	
		typical		typical	•	typical	
Heating/Cooling	FHA/CAC			BB/CAC		FHA/CAC	
Energy Efficient Items		sw/sd		sw/sd		sw/sd	
	converted			det. 2car	-2500	c.port	-500
	deck/3sheds			porch		deck/shed	
Fireplace(s), etc.	pch/FP	fireplace	+1000	fireplace	+1000	none	+2000
Fence, Pool, etc.							
1						***************************************	
Net Adj. (total)		X + - s	1,180	)   + X - \$	5,13	6 X +  - s	204
Adjusted Sales Price							
of Comparable		S	89,180	) s	84,76	4:    s	84,204
Comments on Sales	Comparison (including	the subject property's co	ompatibility to th	ne neighborhood, etc.):	All co	mparables are	2
located wi	thin the su	ubject neigh	borhood.	. Adjustmen	ts were	made for gro	oss
living are	ea, construc	ction and am	enities	. Comparable	3 appe	ars most sim	ilar
to the sub	pject and wa	as given the	highest	t weight fac	tor.		
ITEM	SUBJECT	COMPARABLE	E NO. 1	COMPARABL	E NO. 2	COMPARABLE	NO 3
Date, Price and Data		JOHN ANADEL		00.117110101		OCIA ATABLE	
Source for prior sales		none		none		none	
		dcity record	S	city record	ls	city records	9
						rables within one year of the	
						s of the sub	
		parables wit			or sare	s or the sub	Jecc
	SALES COMPARISON AF		IIIII CIIE	rast year			04 000
			rkat Pant S	750 Wa :: 0	Gross Rent Multi	\$ nlior 72 / 3 - 6	84,000
The same of the sa		Applicable) Estimated Ma					
This appraisal is made		ubject to the repairs, alterat				et to completion per plans ar	
				che neachig/	coorrug	and electric	Cdl
systems ar	re in good	working orde		manah ama ==	naider-	d in the fin	
						+-m	I

10111	in Case 2:24 cv-p0589	AWA-RIK D	octiment 1-1	Filed 06721/2	24 Page 132 o	1233 Page D# 2870d story houses of
150	average constructi	on and are	compatible	in archit	tectural des	ign. It is near
0 0 0	schools, shopping	and major t	raffic art	eries. Red	gional emplo	yment centers are
10						
	Market conditions in the subject neighb	properties for sale in	ort for the above cond	lusions related to th	e trend of property value	es, demand/supply, and marketing time
	A typical seller i	s willing t	o pay a po	rtion of the	the bussers d	and financing concessions, etc
	CC in this area, t	hus, sales	prices are	not influ	nenced by th	ne type of loan
	Marketing time is	average and	supply an	d demand a	appear to be	in balance No
	adverse neighborho	od conditio	ns were no	ted. THIS	APPRAISAL I	S A SUMMARY REPORT
	AS DEFINED BY THE	BOARD OF TH	E APPRAISA	L FOUNDAT	ION AND COMP	LIES WITH USPAP.
1	Project Information for PUDs (If app	olicable) Is the devel	oper/builder in contro	of the Home Owner	rs' Association (HOA)?	Yes No
1	Approximate total number of units in the		. App	roximate total numb	er of units for sale in the	subject project
	Describe common elements and recrea	itional facilities: not	located i	n a PUD		
	Dimensions $80 \times 160 \times 80$ Site area $12800 \text{ sf } +/-$	) X 160	0		Topography	level .
	Specific zoning classification and descri	rintion D6 Dogi	Corner	_ot Yes _X		typical for area
		egal nonconforming (Grandfe		al No zoning	Shape	rectangular
	Highest & best use as improved: X Pre		se (explain)	ai No zoning	Drainage View	appears adequate average
0	Utilities Public Other		rovements Type	Public Pri	ivate: Landscaping	typical
90	Electricity	Street	asphalt	x	Driveway Surface	
ij	Gas	Curb/gutter		х		nts normal utilities
	Water	Sidewalk	yes	Х	FEMA Special Flo	
	Sanitary sewer X	Street lights	yes	X	FEMA Zone C	Map Date 4/17/84
	Storm sewer X	Alley	no		FEMA Map No. 5	10104-0004D
	Comments (apparent adverse easemen	nts, encroachments, spe	ecial assessments, sli	de areas, illegal or le	egal nonconforming zonia	ng use, etc.): none
	Equal					
	GENERAL DESCRIPTION EXT					
10		TERIOR DESCRIPTION undation blo	FOUNDA		BASEMENT	INSULATION
		erior Walls Vin	Marie Control of the	no pace yes	Area Sq. Ft. n/	
0	Type (Det./Att.) detach Roo				% Finished n/	
		ters & Dwnspts. Yes	**************************************	IMP NO	Ceiling $n/$	
9		dow Type dh	Dampne			
i i	Age (Yrs.) 44 Stor		/yes Settleme		ced Outside Entry n /	
	Effective Age (Yrs.) 17-21 Man	ufactured House NO	Infestati	Y 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
N	The state of the s	ining Kitchen	Den Family Rm	Rec. Rm. Bedr	rooms # Baths La	aundry Other Area Sq. Ft.
0	Basement			<u> </u>		
F	Level 1 1 1	1 1	1	3	2.0	utl. 1268
o	Level 2			·		
V	Finished area above grade contains:	7 Rooms:	3 Bedroom(s	s): 2.0	Bath(s): 1268	Square Feet of O
-55	INTERIOR Materials/Condition	HEATING	KITCHEN EQUIP.	ATTIC	AMENITIES	Square Feet of Gross Living Area CAR STORAGE:
0	Floors cptvin/avg	Type FHA	Refrigerator	None	Fireplace(s) #	None
¥	Walls wallbd/avg	Fuel Oil	Range/Oven X	Stairs	Patio	Garage # of cars
V	Trim/Finish Wood/avg	Condition avg	Disposal	Drop Stair	Deck	X Attached
11	Bath Floor vinyl/avg	COOLING	Dishwasher X	Scuttle X	Porch	X Detached
	Bath Wainscot Ceramic/avg	Central CAC	Fan/Hood X	Floor	Fence	X Built-In
	Doors wood/avg	Other	Microwave	Heated	Pool	Carport
	Additional factors (	Condition avg	Washer/Dryer	Finished	3 sheds	X Driveway 1car
	Additional features (special energy effici ceiling fans.	ent items, etc.): S	torm window	s, storm	doors, deck	, 3 sheds, and
6		iation (physical function	and outernal) ren	aire peeded musik.		
Ž	Condition of the improvements, depreci functional or exter	rnal denrec	iation note	d Norma	or construction, remode	eling/additions, etc.: No
Y	Subject has an above	ve ground o	il tank wit	h no leak	l wear and	cear noted.
7				ICUR	110	
1	Adverse environmental conditions (suc	ch as, but not limited	to, hazardous wastes	, toxic substances,	, etc.) present in the in	mprovements, on the site or in the
	immediate vicinity of the subject proper	erty: none not	ted			
100						

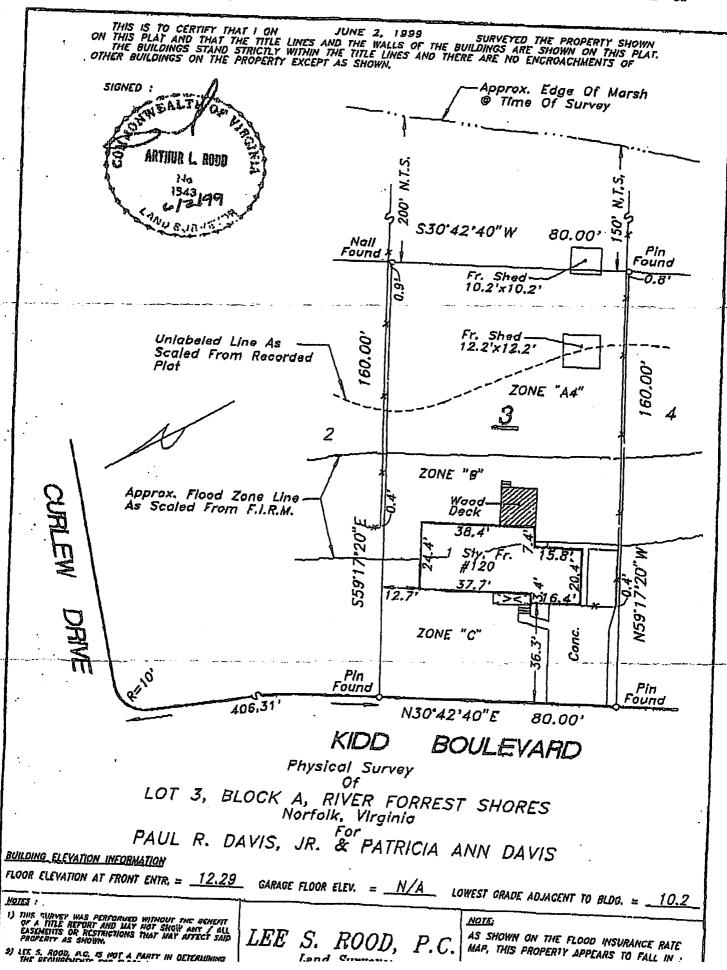
## Case 2:24-cv-00399-AWA-RJK Document 1-1 Filed 06/21/24 Page 133 of 233 PageID# 288

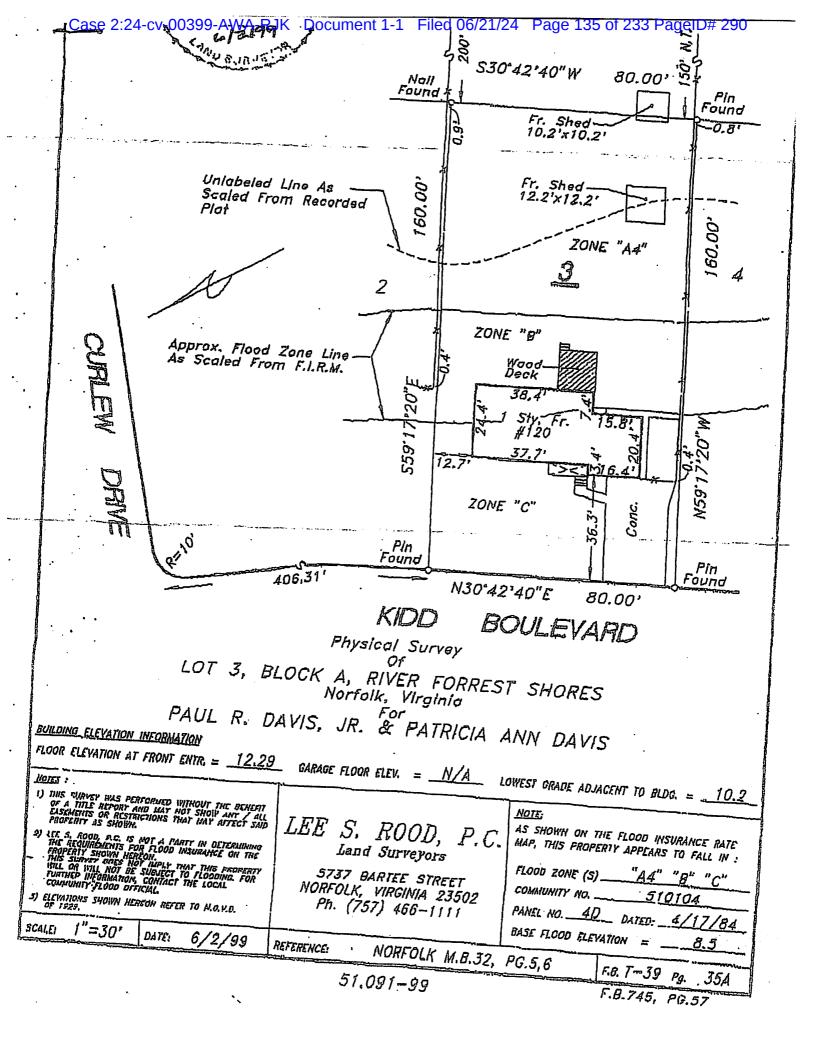
Juli Juli negiven HAL APPRA	SAL PORT FRENC. kiddl20
Property Address 120 Kidd Boulevard Ony Norfol	
Legal Description Lot 3, Block A, River Forest Shores	County n/a
Assessor's Parcel No. 10820700 1 Tax Year 98/9	9R.E. Taxes \$ 1085.28Special Assessments \$ none
Borrower Davis, Paul R.Jr & Current Owner Patricia A./s	
DID.	Condominium (HUD/VA only) HOAS n/a /Mo.
Property rights appraised   A   ree simple   Leasened	e 11-D12 Census Tract 0069.02
Reignborhood of Froject Hame Tell Vol. 10100	es/concessions to be paid by seller n/a
	Road Virginia Beach, VA 23462
	good Dr., Ste 103, Va Beach 23452
Single far	nily housing Present land use % Land use change
Built up X Over 75% 25-75% Under 25% Cocupancy Single Fair PRICE \$ (000)	AGE (yrs) One family 90 X Not likely Likely
Built up 2 over 13% 25 16%	ow 25 2-4 family In process
	igh 60 Multi-family To:
	ominant Commercial 5
Marketing time X Under 3 mos. 3-6 mos. Over 6 mos. Vacant (Over 5%) 90	45 (vac ) 5
Note: Race and the racial composition of the neighborhood are not appraisal factors.	
Neighborhood boundaries and characteristics: Interstate I264 to nor	th, Interstate I64 to east,
Elizabeth River to south and west.	
Factors that affect the marketability of the properties in the neighborhood (proximity to employr	nent and amenities, employment stability, appeal to market etc.
The subject property is located in River fores	t, an established neighborhood
in the city of Norfolk. Properties are a mix o	f ranch and 2 story houses of
average construction and are compatible in arc	nitectural design. It is near
schools, shopping and major traffic arteries.	Regional employment centers are
easily accessible.	
Market conditions in the subject neighborhood (including support for the above conclusions related	to the trend of property values, demand/supply, and marketing time
such as data on competitive properties for sale in the neighborhood, description o	the prevalence of sales and financing concessions, etc.,
A typical seller is willing to pay a portion o	fluenced by the type of loan
CC in this area, thus, sales prices are not in	d appear to be in balance No.
Marketing time is average and supply and demandadverse neighborhood conditions were noted. TH	TO APPRATORIL TO A SIMMARY REPORT
adverse neighborhood conditions were noted: in	IS MITHIERING IS IN SOMMENT REPORT
AC DEELNED BY THE BOADD OF THE APPRAISAL FOUND	ATTON AND COMPLIES WITH USPAP.
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND	ATION AND COMPLIES WITH USPAP.
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND  Project Information for PUDs (If applicable) Is the developer/builder in control of the Home C	With USPAP.  Where Association (HOA)?  Yes No
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND  Project Information for PUDs (If applicable) Is the developer/builder in control of the Home C	ATION AND COMPLIES WITH USPAP.
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND  Project Information for PUDs (If applicable) is the developer/builder in control of the Home Country  Approximate total number of units in the subject project  Describe common elements and recreational facilities: not located in a PUD	With USPAP.  Where Association (HOA)?  Yes No
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND  Project Information for PUDs (If applicable) Is the developer/builder in control of the Home Of Approximate total number of units in the subject project  Describe common elements and recreational facilities: not located in a PUD Dimensions 80 x 160 x 80 x 160	ATION AND COMPLIES WITH USPAP.  Twenty Association (HOA)? Yes No  Thumber of units for sale in the subject project
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AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND  Project Information for PUDs (If applicable) Is the developer/builder in control of the Home Of Approximate total number of units in the subject project Approximate total Describe common elements and recreational facilities: not located in a PUD Dimensions 80 x 160 x 80 x 160  Site area 12800 sf +/- Corner Lot Yes Specific zoning classification and description R6 Residential	ATION AND COMPLIES WITH USPAP.  Nowners' Association (HOA)? Yes No number of units for sale in the subject project  Topography level X No Size typical for area Shape rectangular
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND  Project Information for PUDs (If applicable) Is the developer/builder in control of the Home Of Approximate total number of units in the subject project Approximate total Describe common elements and recreational facilities: not located in a PUD Dimensions 80 x 160 x 80 x 160  Site area 12800 sf +/- Corner Lot Yes Specific zoning classification and description R6 Residential  Zoning Compliance X Legal Legal nonconforming (Grandfathered use) Illegal No zero	ATION AND COMPLIES WITH USPAP.  Number of units for sale in the subject project  Topography level  X No Size typical for area shape rectangular  ning Drainage view average
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AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND Project Information for PUDs (if applicable) Is the developer/builder in control of the Home Of Approximate total number of units in the subject project	ATION AND COMPLIES WITH USPAP.  Number of units for sale in the subject project  Topography level  X No Size typical for area shape rectangular  ning Drainage appears adequate View average  Private Landscaping typical  Driveway Surface concrete  Apparent easements normal utilities  FEMA Special Flood Hazard Area Yes X No  FEMA Zone C Map Date 4/17/84  FEMA Map No. 510104-0004D  If or legal nonconforming zoning use, etc.): none  BASEMENT INSULATION Area Sq. Ft. n/a Roof % Finished n/a Ceiling avg X Ceiling n/a Walls avg X
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND Project Information for PUDs (If applicable) Is the developer/builder in control of the Home of Approximate total number of units in the subject project Approximate total Describe common elements and recreational facilities: not located in a PUD Dimensions 80 x 160 x 80 x 160  Site area 12800 sf +/- Corner Lot Yes Specific zoning classification and description R6 Residential Zoning Compliance X Legal Legal nonconforming (Grandfathered use) Illegal No zo Highest & best use as improved: X Present use Other use (explain)  Utilities Public Other Off-site Improvements Type Public Gas Curb/gutter Yes Sidewalk Yes X Sanitary sewer X Street asphalt X Sanitary sewer X Street lights Yes X Storm sewer X Alley no Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal Equal  GENERAL DESCRIPTION EXTERIOR DESCRIPTION FOUNDATION No. of Units 1 Foundation block Siab no Type (Det./Att.) detach Roof Surface Comp Basement none Exterior Walls Vinyl Crawl Space Yes Design (Style) ranch Gutters & Dwnspts. Yes/Yes Sump Pump no Extesting/Proposed exist Window Type dh	ATION AND COMPLIES WITH USPAP.  Number of units for sale in the subject project  Topography level  X No Size typical for area shape rectangular  ning Drainage appears adequate  View average  Private Landscaping typical  Driveway Surface concrete  Apparent easements normal utilities  FEMA Special Flood Hazard Area Yes X No  FEMA Zone C Map Date 4/17/84  FEMA Map No. 510104-0004D  If or legal nonconforming zoning use, etc.): none  BASEMENT INSULATION  Area Sq. Ft. n/a Roof  % Finished n/a Ceiling avg X  Ceiling n/a Walls avg X  Walls n/a Floor
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND Project Information for PUDs (If applicable) Is the developer/builder in control of the Home Of Approximate total number of units in the subject project	ATION AND COMPLIES WITH USPAP.  Number of units for sale in the subject project  Topography level  X No Size typical for area rectangular  ning Drainage appears adequate  View average  Private Landscaping typical  Driveway Surface concrete  Apparent easements normal utilities  FEMA Special Flood Hazard Area Yes X No  FEMA Zone C Map Date 4/17/84  FEMA Map No. 510104-0004D  If or legal nonconforming zoning use, etc.): none  BASEMENT INSULATION  Area Sq. Ft. n/a Roof  % Finished n/a Ceiling avg X  Ceiling n/a Walls avg X  Walls n/a Floor  Noted Floor n/a None
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AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND Project Information for PUDs (If applicable) Is the developer/builder in control of the Home Of Approximate total number of units in the subject project Approximate total Describe common elements and recreational facilities: not located in a PUD Dimensions 80 x 160 x 80 x 160  Site area 12800 sf +/- Corner Lot Yes Specific zoning classification and description R6 Residential Zoning Compliance X Legal Legal nonconforming (Grandfathered use) Illegal No zo Highest & best use as improved: X Present use Other use (explain)  Utilities Public Other Off-site Improvements Type Public Street asphalt X  Gas Curb/gutter Yes X  Sanitary sewer X Street lights Yes X  Sanitary sewer X Street lights Yes X  Stom sewer X Alley no Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal Capital Crawl Space Yes Design (Style) ranch Gutters & Dwnspts. Yes/Yes Sump Pump no Design (Style) ranch Gutters & Dwnspts. Yes/Yes Sump Pump no Existing/Proposed exist Window Type dh Dampness None Existing/Proposed exist Window Type dh Dampness None Effective Age (Yrs.) 17-21 Manufactured House no Infestation None	ATTON AND COMPLIES WITH USPAP.  Inwners' Association (HOA)?
AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND Project Information for PUDs (If applicable) Is the developer/builder in control of the Home C Approximate total number of units in the subject project	ATION AND COMPLIES WITH USPAP.  Number of units for sale in the subject project  Topography  I typical for area shape rectangular  ning Drainage appears adequate  View average  Private Landscaping typical  Driveway Surface concrete  Apparent easements normal utilities  FEMA Special Flood Hazard Area Yes X No  FEMA Zone C Map Date 4/17/84  FEMA Map No. 510104-0004D  If or legal nonconforming zoning use, etc.):  BASEMENT None  BASEMENT Roof  % Finished n/a Ceiling avg X  Walls n/a Floor  Noted Floor n/a None  Noted
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AS DEFINED BY THE BOARD OF THE APPRAISAL FOUND Project Information for PUDs (If applicable) Is the developer/builder in control of the Home Of Approximate total number of units in the subject project Approximate total Describe common elements and recreational facilities: not located in a PUD Dimensions 80 x 160 x 80 x 160  Site area 12800 sf +/-	ATTON AND COMPLIES WITH USPAP.  Inwners' Association (HOA)?

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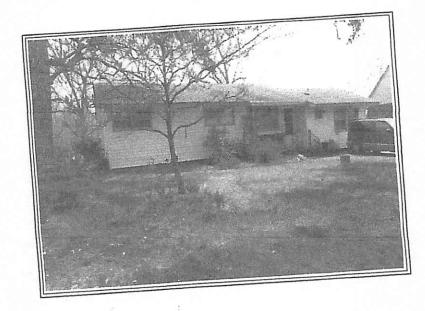
PAGE 82





File No. 69649288

## APPRAISAL OF



### LOCATED AT:

120 KIDD BLVD NORFOLK, VA 23502-5214

FOR:

Wells Fargo Bank, N.A. - 0161950 Des Moines IA 50309

BORROWER:

DAVIS PAUL R and PATRICIA

as of:

April 12, 2015

BY:

James Michael Sexton

FORILS @ MSN. com

File No. 69849288 Wells Fargo Bank, N.A. - 0161950 Des Moines IA 50309 File Number: 69849288 In accordance with your request, I have appraised the real property at 120 KIDD BLVD NORFOLK, VA 23502-5214 The purpose of this appraisal is to develop an opinion of the market value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements. In my opinion, the market value of the property as of April 12, 2016 is: \$132,000 One Hundred Thirty-Two Thousand Dollars The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.

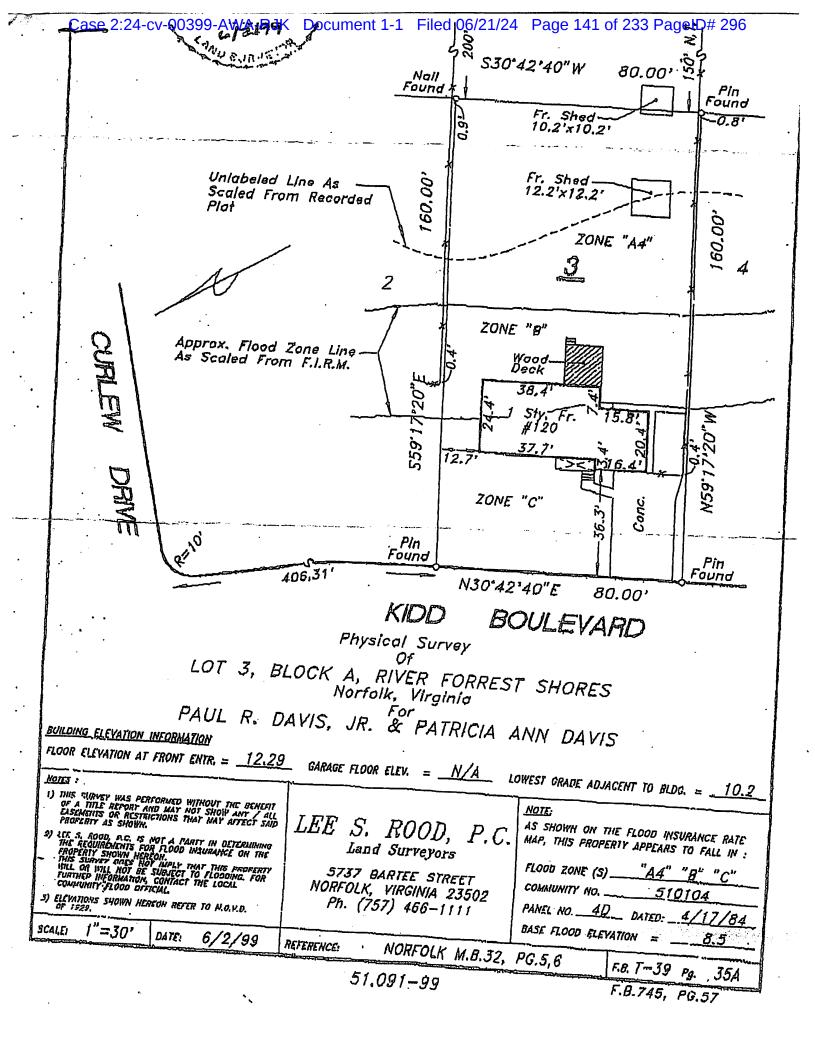
			Uniform Re	sidential.	Apprais	ial Rep	ort	File No.	69649288	
T			to provide the lender/cli	ient with an accur	ate, and adequ	ately support	ed, opinion of the	market va	lue of the subject	t property.
	Property Address 120 l				NORFOLK				Zip Code 2350	2-5214
	Borrower DAVIS PA			of Public Record DA	AVIS PAUL	R and PAT	RICIA Co	unty Nor	folk City	
	Legal Description 3 Blk Assessor's Parcel # 108		nores	Tow	Year 2014		D.I	I. Taxes \$	1 709	
E	Neighborhood Name Ri				Reference N/A	A			0069.02	
961	Occupant X Owner			Assessments \$ 0	Tronsience ( C)		PUD HOAS O	indo Itack	per year	per month
	Property Rights Appraised	X Fee Simple	Leasehold Other	(describe)						<b>J</b> F44 III.
S	Assignment Type P	urchase Transaction	Refinance Transaction	Other (describe)						
	Lender/Client Wells Fa			Des Moines,						
	Is the subject property cur	rently offered for sale or h	as it been offered for sale in	the twelve months p	rior to the effective	ve date of this a	ppraisal?	es XN	ło	
	Report data source(s) use	d, offering price(s), and d	ate(s). Data sources	include: REIN	/MLS/Tax R	ecords. P	er MLS/Tax Re	cords th	ne subject pro	perty
圖密	has not been sold									
	I Udid Udid not an	alyze the contract for sale	for the subject purchase tra	nsaction. Explain the	results of the an	alysis of the co	ntract for sale or why	the analys	is was not perform	ed.
15										
K	Contract Price \$	Date of Cor	atract	Is the property seller	the comes of my	blic record?	Yes No	Deta Carre	(-)	
18.7			concessions, gift or downpa	syment assistance of	te ) to be noid by	env perty on h	half of the hornwar	Data Soun	Yes No	
8	if Yes, report the total del			,,	, to 00 paid 0)	any party on o	common and overlowed		TES CINO	
	Note: Race and the raci	al composition of the ne	ighborhood are not appra	isal factors.						
100	THE REAL PROPERTY.	od Characteristics		One-Unit Hous	ng Trends		One-Unit Hor	ising	Present Las	d Use %
	Location Urban	X Suburban Rura	al Property Values	Increasing	X Stable	Declining	PRICE	AGE	One-Unit	75 %
3	Built-Up X Over 75%		er 25% Demand/Supply	Shortage	X In Balance	Over Supp	y \$(000)	(yrs)	2-4 Unit	2.5 %
Ē	Growth Rapid	X Stable Slov		Under 3 mths	X 3-6 mths	Over 6 min			Multi-Family	2.5 %
8	Neighborhood Boundarie	ine subject is b	ound by Rt. 264 to t	he North, Eliza	abeth River	to the	230 High	-	Commercial	10 %
E	South, Rt. 64 to th						160 Pred.	60	Other Vacant	10 %
3(6	Worship and other	The subject is it	ocated in an establis	ned residentia	area withir	1 close pro	ximity to schoo	ls, shop	ping, houses	of
2	including employe	expected suburba	an amenities, Major	commuter rou	ies nearby p	provide acc	ess to most po	ints in t	the metropoli	an area
Sec.	Medicat Conditions Gnobal	ion Conters. The	nelghborhood exhib	had Addardu	intenance p	batterns an	d marketability			
	Manuel Commons (menu	ng support for the above	concrisions) 500 Allac	Alea Auderiau	11					
	Dimensions 80 x 320		Area 2560	0 sf	Shane	Regular		View N	·Mite	
	Specific Zoning Classificat	tion R-6		ription Single Fa				VILW 14,	,,,,,,	
	Zoning Compliance	Legal Legal Non	conforming (Grandfathered			d (describe)				
	Is the highest and best us	e of the subject property a	as improved (or as proposed	per plans and speci			X Yes No	If No. desc	cribe. See Att	sched
	Addendum								-	
200	Utilities Public									
100	The state of the s	Other (describe)			Other (describe)	)	Off-site Impro-	vements-	Type Publ	c Private
611	Electricity X	Other (describe)	Water	(X)	Other (describe)	)	Off-site Impro-		Type Publ	e Private
SHIE	Hectricity X		Sanitary Sewe	x X	8		Street Paver Alley None	nent	X	
Sans	Hectricity X Gas X FEMA Special Flood Haz	ard Area Yes X	Sanitary Sewe	X X	FEMA Map #		Street Paver Alley None	nent		
GIRE	Electricity X  Gas X  FEMA Special Flood Haz  Are the utilities and off-sit	and Area Yes X	Sanitary Sewer No FEMA Flood Zone 2 r the market area?	X X Yes No II	FEMA Map#	5101040	Street Paver Alley None 180F FE	nent MA Map Da	ate 09/02/2009	,
Sans	Hectricity X Gas X FEMA Special Flood Haz Are the utilities and off-sit Are there any adverse sit	ard Area Yes X e improvements typical for	No FEMA Flood Zone Zone the market area?	X  Yes No If Noments, environments	FEMA Map# lo, describe.	5101040	Street Paver Alley None 180F FE	MA Map Da	ate 09/02/2009	ppraiser
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SINE	Electricity X Gas X FEMA Special Flood Haz FEMA Special Flood Haz Are the utilities and off-sit Are there any adverse sit did not check the lane easements, encroaci (surveyor and/or EPA	ard Area Yes X e improvements typical for e conditions or external fa d records for recorded ments, and other app	Senitary Sewi No FEMA Flood Zone Z r the market area? (X) ctors (easements, encrosche d easements, as these the parent adverse condition applete and accurate des	EX  EX  EX  Yes No If Noments, environments yppes of documer are for the purpos scription of any fa	FEMA Map # lo, describe. I conditions, land its are not read e of this appra	5101040 l uses, etc.)? dily avallable alsal. The ap	Street Paver Alley None 180F FE  Yes XNo The appraiser heralser elso recorunforeseen at the	MA Map Da  If Yes, as report nmends a time of in	ate 09/02/2000 describe. The ated only appare a qualified professpection.	ppraiser nt essional
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SIIR	Electricity X Gas X FEMA Special Flood Haz Are the utilities and off-sit Are there any adverse sit did not check the lane easements, encrosed (surveyor and/or EP/F GENERAL) Units X One FeME GENERAL Units X One FeME GENERAL Units For Stories 1  Type X Det. Year Suit Prop Design (Style) Ranch Year Built 1955  Effective Age (Yrs) 15  Attic	and Area Yes X e improvements typical for e conditions or external fa d records for recordec ments, and other app a consultant) for a con DESCRIPTION One with Accessory Unit Att. S-Det/End Un DESCRIPTION One With Accessory Unit Att. None	Senitary Sewi	X Yes No IIV No IIV ypes of documer ns for the purpos coription of any fa ATION Crawl Space Partial Basement 0 sq.ft. 0% Sump Pump tion cettlement HWBB Radian	FEMA Map # lo, describe. I conditions, land its are not read to of this appractors that may EXTERIOR DE Foundation We Exterior Walls Roof Surface Gutters & Dow Window Type Storm Sab/In Screens Amenities	5101040 luses, etc.)? dily avallable lisal. The ap / have been scription with Cind Viny Aspl response Non Metz sulated Non Metz	Street Paver Alley None 180F FE  180F F	If Yes, as report nmends a time of in NTERIO Floors Walls Thin/Fini Bath Floo Bath Wai Car Store X Driveway	describe. The atted only appare a qualified professpection.  R materior Drywall.  Shape Wood/Particles Winyt/Avintscot Fiberqla age None way # of Cars	ppraiser  nt sssional  als/condition Vin./Avg. Avg. vg. gg. sss/Avg.
SITE	Electricity X Gas X FEMA Special Flood Haz Are the utilities and off-sit did not check the lane easements, encrosed (surveyor and/or EP/F GENERAL) Units X One # of Stories 1 Type X Det. X Det. X Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15 Attic Drup Stair	and Area Yes X e improvements typical for e conditions or external fa d records for recordec ments, and other app a consultant) for a con DESCRIPTION One with Accessory Unit  Att. S-Det/Find Un osed Under Const.  None Stairs	Senitary Sewing Sewitary Sewing Sewin	X  Yes No IN ments, environments ypes of documer ns for the purpos scription of any fa  NTION Ctawl Space Partial Basement 0 sq.ft. 0% Sump Pump tion tettlement IWBB Radian od Gas	FEMA Map # lo, describe. I conditions, land its are not read to of this appractions that may EXTERIOR DE Foundation Wills Roof Surface Gutters & Dow Window Type Storm Sash/Ins. Screens Amenities Fireplace(Control of the Price Pr	5101040 I uses, ctc.)? dily available alsal. The ap y have been SECRIPTION alls Cind Viny Aspl raspouts Non Meta sulated Non Meta	Street Paver Alley None 180F FE  Yes XNo. The appraiser he praiser elso recor unforessen at the materials/condition erblock/Avg. I/Avg. n.Shingle/Avg. e al/Avg. WoodStove(a) #0 Fence None	MA Map Driveway  If Yes, as report  If mends a  time of ir  INTERIO  Floors  Walls  Trim/Frin  Bath Floor  X Drive  Driveway  Gars	describe. The a teld only appare a qualified profe spection.  R mater Carpet/ Drywall who Wood/A was Vinyl/A.  Surface None was # of Cars Surface Paved ge # of Cars #	ppraiser  nt sssional  als/condition  Vin./Avg.  Avg.  vg.  gs. sss/Avg.  2
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SITE	Electricity X Gas X FEMA Special Flood Haz Are the utilities and off-sit Are the utilities and off-sit Are there any adverse sit did not check the lam easements, encroad (surveyor and/or EP/GENERAL Units X One # of Stories 1 Type X Det X Existing Prop Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15 Attic Drop Stair Floor Finished Appliances X Reftir	ard Area Yes X e improvements typical for e conditions or external fa d records for recorder ments, and other app Consultant) for a con DESCRIPTION One with Accessory Unit Att. S-Det/End Un osed Under Const.  None Stairs X Souttle Heated erstor X Range/Over	Senitary Sewing No FEMA Flood Zone Zerthe market area? XZ et ore (easements, eacrosching de easements, eacrosching pleis and accurate des FOUND/E Concrete Slab X FOUND/E Fall Basement Little Basement Area Basement Finish Outside Entry/Erit Evidence of Infestal Dampness S Heating X FWA I FOUND FUND FROM THE Cooling X Countral A Individual X Dishwasher I D	Yes No II Mental Representation of the purpose of documer and for the purpose or for the purpose of the purpose	FEMA Map # lo, describe. I conditions, land its are not read to of this appractors that may EXTERIOR DE Foundation W. Exterior Walls Roof Surface Gutters & Dow Window Type Storm Sash/In. Screens Amenities Freplace( X Patio/Deck Patio/Deck Www. X Wa.	5101040 luses, etc.)? dily avallable lisal. The ap / have been / h	Street Paver Alley None 180F FE  180F F	If Yes, as report irrends a time of ir interior	describe. The attention of the control of the contr	ppraiser  nt essional  als/condition  Vin/Avg.  /Avg.  /yg.  gs.  ass/Avg.  0  0  Buill-ir
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ACTUAL CONTRACTOR Uniform Residential Appraisal Report

File No. 69649288

There are 4 com	parable propertie	s currently	offered fo	r sale in the	sphiect n	eighborhood me	ning in	DIT EL	c	120		- 040	200		
There are 8 com	parable sales in ti	he subject r	neighborh	good within t	he past to	velve months rer	ging in	sole o	ricm S	139,	115 000	s 210,0			
PEATURE	SUBJ	ECT	T	COMPAR	ABLESA	LRNO. 1	I I				ALE NO. 2		217,500		
120 KIDD BLVD			148	Kidd Bou			502	14 10	mraka	BLE S	ALE NO. Z		COMPARA	BLES	ALE NO. 3
Address NORFOLK	VA 23502	-5214		olk, VA 2			592	1 18	my Ro	ad		300 P	efley D	rive	
Proximity to Subject	17120002	UZ 14					Nor	TOIK,	VA 23	3502		Norfol	k, VA 2	3502	2
Sale Price	s		0.77	miles SI	_	111 ==	0.27	/ mil	les NV				niles SI		
THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.			-		S	141,500			0.00	15	130,000			Is	140,0
Sale Price/Gross Liv. Area	s 0.	.00 sq.fl.	\$ 8	93.77 sq.	n.		s 1	112.8	85 sq. fi		,		9.63 sq.		140,0
Data Source(s)			MLSI	REIN #143	34199:0	OOM 25	MIS	REI	N #444	OSEO	;DOM 105	3 100	5.05 sq.		
Verification Source(s)	-		Tax	D#36280	0100						LOW 105				;DOM 31
VALUE ADJUSTMENTS	DESCRIE	PITON		ESCRIPTION					08835			Tax ID	#1478	5700	
Sale or Financing	Discitu	HOR	ArmL		N	+(-) \$ Adjustment			RIPTION		+(-) \$ Adjustment	DES	CRIPTION	1	mturjhA 2 (-)+
Concessions							Am	ıLth				ArmLt	h		
			Cash	1			Con	v;0		- 1		Cash;	0	- 1	
Date of Sale/Time	1		s09/1	14;c08/14	4		s07	/14:0	06/14				;c06/14	1	
Location	N;WtrFr;		N;Wt	trFr;			N;R				5,000	N;Wtr	F, COO/ 1*	-	
Leaschold/Fee Simple	Fee Simpl	le	Fee S	Simple			-	Sim	nlo	-	3,000			_	
Site	25600 sf		1568				104			-		Fee S			
View	N;Wtr.		N;Wt	- 01	-				1			13939		1	
Design (Style)	DT1;Ranc						N;R				0	B;Wtr;			-5,0
		in		Ranch			DT1	;Rai	nch			DT1;R			0,0
Quality of Construction	Q3		Q3			- 1000 Block St. A.	Q3			1		Q3	and I		
Actual Age	60		59			0				-				-	
Condition	C3		C4			5,000				-		55			
Above Grade	Total Bdrms	Baths	Total Be			5,000	1	-		-		C2			-5,0
Room Count	7 3	2.0					Total I	-	Barba			Total Bdm	Bati	4	
Gross Living Area			6	3 1.		2,000		3	1.0		4,000	6 3			4,0
		17 sq.ft.	-	1,509	sq.fL	-8,760		1	,152 s	g. ft.	1,950	-	1,277		
Basement & Finished	Osf		Osf				0sf				1,000	Oct	1,211	q.IL	-1,8
Rooms Below Grade					1		001					0sf			
Functional Utility	Average		Avera	000			۸.			-					
Heating/Cooling	FWA/Gas/	CIAir					Aver	age				Averag		T	
		UMI		Oil/C/Air		0	FWA	VOIL	/C/Air		0	FWA/G		ir	
Energy Efficient Items	None		None				None					None	JUICIA	-	
Garage/Carport	2dw		1ga2c	d2dw		-12,000				-				-	
Porch/Patio/Deck	Porch/Decl	ic		Patio		1,500	Pom	h		+	0 500	2dw		_	
Fireplaces	0 F/P		1 F/P		-		0 F/F			-	2,500	Porch/l	Jeck		
Fence/Shed/Pool	2 Sheds					-500	0 1/1			-		1 F/P			-5
Misc. Upgrades		-	Fence			-8,000	Fenc	æ/St	ned		-1,000	Fence			-1,0
	Typical		Typica				Typic			1		Kitcher	Undat	ha	
Net Adjustment (Total)			+	(X)-	2	00 700	(2.0)	. (			45 45			_	-5,0
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of Comparables  (X) did did not reside to the following research did X  Data source(s) REIN/M  All parts source(s) REIN/M  All parts source(s) REIN/M  Report the results of the res  TIEM  Data source(s) REIN/M  Control of Prior Sale/Transfer  Parts of Prior Sale/Transfer  Parts Source(s)  Ifficitive Date of Data Source  Data Source(s)  Ifficitive Date of Data Source  Ifficitive Date of Data Sour	did not reveal ar MLS  learch and analyst are this tory of the of subject will be received as a subject with the received are the received as a subject are not warrant. A has been popraiser due reding to marialues bracket analyses and se comparison Approxant of Comparison Office Comparison of Comparison Approxant of Comparison Office Comparison Office Comparison of C	r transfer his any prior sale any prior sale are	Net Adj. Gross Add Gross A	-14.7% ii) 26.7% he subject profess of the su	subject property an arbitrary of the COM STATE Recoded 1172,66 STATE RECOGNIZATION OF THE RECOGNIZATION OF	120,740 ad comparable so operty for the the operation of the operation took operation op	Net Add Gross A A A A A A A A A A A A A A A A A A	on to the service of	9.6% 11.1% plain 1	fisale of sale	e date of this appra of the comparable of out additional prior tABLE SALE NO. 2  TOST CABLE	Net Adj. Gross Adj. Gross Adj. isal. sales on p 2 06 \$0 Ta 04 Dject with or \$172 the most th the si as rece e subject noting a time fra ve beer ue affect ercenta	-10.2% 15.9% 15.9% 15.9% 15.9% 15.9% 23.201  x Recon 111/201 hin the 2,651. The re read me or h adjust cting dis ges we reloped) en grea	s ABLE 4  ds/R  5 last he p  t sale cum  n doc  y are sily ave ed for silm re m  s 0  thest	SALE NO. 3 SEIN 3 years, rior 9 was an ent marke sument # 9 the most vailable, recently r based of larities et. The weight in paired oduced on the same of the sam
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of Comparables  (x) did did not reconstruction of Comparables  (x) did not reconstructi	did not reveal ar MLS  search and analys  tearch and analy	r transfer his  any prior sale  prior sale  graph of the pri  SUB  Records  1/2015  e subject pro  tithin the end of the the  sfemed of on 01/1  Sales re  und. No  thed as a  to lack  ket reace  ets the v  sch \$ 132,  pproces \$ 5  billers are  unbject to co  so on the be  stion that the  of the inter  of the inter  of the inter	Net Adj. Gross Add Gross A	-14.7% ij. 26.7% he subject prospect of the subject prospect prosp	subject property an ambject property and story of the COM / O7/28// OT/28// O7/28// O7	120,740 ad comparable so operity for the the sales for the the subject proper difference of the subject proper difference of the subject of t	Net Add Gross A  less. If n  rece year  rear prior  y and co  E NO. 1  Posses  so app  oscure  are it  sales/fi  ave b  data.  pparis  sis of a  or altera  sis of a  or altera  sis of a	on acidinario con la	9.6% 11.1% plain  In to the enter to the ent	ffective f sale of sal	e date of this appra of the comparable of the co	Net Adj. Gross Adj. Gross Adj. sale. sales on p. 2 06 \$0 Ta 04. Dject with or \$172 the most the sist as recorded a	-10.2% 15.9% 15.9% 15.9% 15.9% 23/201 x Recontinuous (23/201) chin the 2,651. The recention of the following disgress we have been compared to the following be the following between the following betw	s AABLE 4  ds/R  5 last : he per t sale cum n document of the sale cum n do	SALE NO. 3 SEIN 3 years, rior 9 was an ent marke eument # 2 the most vailable, recently r based of larities et. The weight in retired aduced on
of Comparables  (x) did did not reside to the following research did X  Pata source(s) REIN/M  All research (X) did did not reside to the results of the reside of Prior Sale/Transfer than Source(s)  All the of Pri	did not reveal ar MLS  search and analys  tearch and analy	r transfer his  any prior sale  prior sale  graph of the pri  SUB  Records  1/2015  e subject pro  tithin the end of the the  sfemed of on 01/1  Sales re  und. No  thed as a  to lack  ket reace  ets the v  sch \$ 132,  pproces \$ 5  billers are  unbject to co  so on the be  stion that the  of the inter  of the inter  of the inter	Net Adj. Gross Add Gross A	-14.7% ii) 26.7% he subject professor of the s	subject property an ambject property an ambject property and stary of the COM \$172.65	120,740 ad comparable so operity for the the sales for the the subject proper difference of the subject proper difference of the subject of t	Net Add Gross A A A A A A A A A A A A A A A A A A	on to the series of the series	9.6% 11.1% plain rto the end to t	fisale of sale	e date of this appra of the comparable of out additional prior tABLE SALE NO. 2  TOST AND TOS	Net Adj. Gross Adj. Gross Adj. sale. sales on p. 2 06 \$0 Ta 04. Dject with or \$172 the most the sist as recorded a	-10.2% 15.9% 15.9% 15.9% 15.9% 23/201 x Recontinuous (23/201) chin the 2,651. The recention of the following disgress we have been compared to the following be the following between the following betw	s AABLE 4  ds/R  5 last : he per t sale cum n document of the sale cum n do	SALE NO. 3 SEIN 3 years, rior 9 was an ent marke eument # 10 the most vallable. recently r based o larities et. The weight in

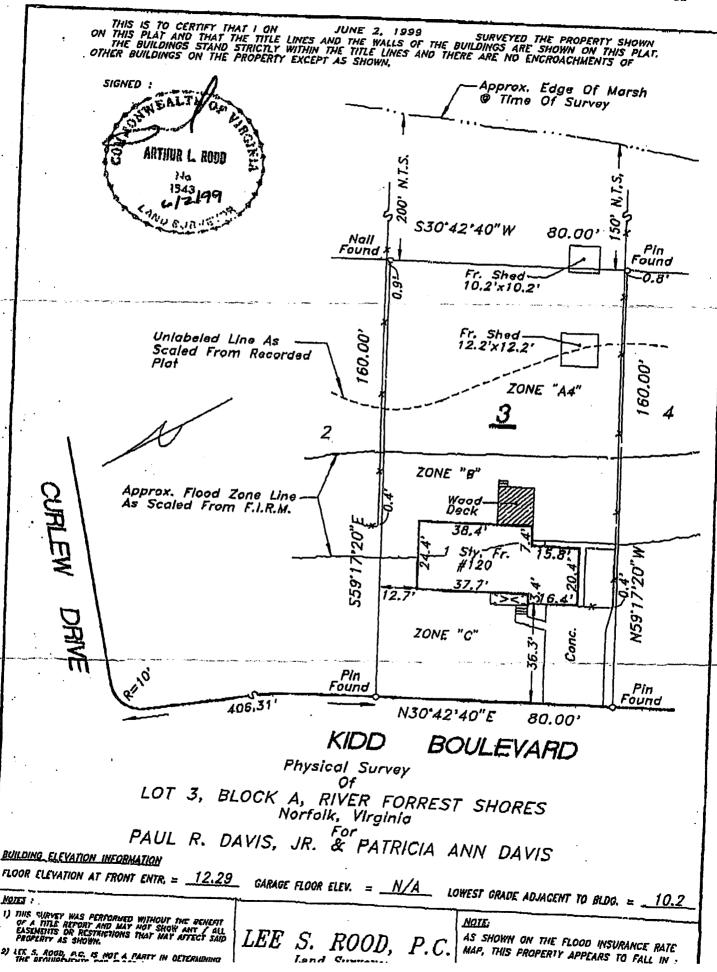
FEATURE		SUBJECT	COLO	DID A DE	sidentia	A	ppr	aisai K	eport		File No. 6	96492	88
120 KIDD BLVD			104 Effie					COMPARABLE	CALLING	1			
Address NORFOL	K, VA	23502-5214	Norfolk, V	Avenu	9	3	329 P	efley Drive		12	25 Defende	RABLE	SALENO. 6
Proximity to Subject			0.06 miles	A 235	02		Vorfol	k, VA 2350	02	I A	35 Pefley	Duve	
Sale Price	\$		0.00 iiiles			0	0.63 n	niles SW		0	orfolk, VA .56 miles \$	2350	2
Sale Price/Gross Liv. Area	1 5	0.00 sq.	n. s 116.67	S	140,00	10		10	139,90	0	.50 miles	_	
Data Source(s)		94		8q. ft.		\$	107	.20 sq. ft.			107.00	2	139,9
Verification Source(s)			MLS REIN# Tax ID#039	133184	5;DOM 284	M	ILS RE	IN #151299	1:DOM 17	BA	127.30 sc	1. ft.	
VALUE ADJUSTMENTS		DESCRIPTION	DESCRIPT	3/690	)	Ta	ax ID	#43375500	)	Te	LO REIN #	1507	409;DOM 2
Sale or Financing			ArmLth	ION	+(-) \$ Adjustment		DESC	CRIPTION	+(-) \$ Adjustment	112	EX ID#3229	38700	)
Concessions			VA:0			Li	isting		1(4) 3 Aujustrom	111	DESCRIPTIO	N	+(-) \$ Adjustmen
Date of Sale/Time						;0					sting		
Location	N:	NtrFr;	s06/14;c05/ N;Res;	114		Ac	ctive			;0			
Leasehold/Fee Simple	Fee	e Simple	Fee Simple		5,00	N;	;WtrF	r:			tive		
Site	256	300 sf	10454 sf			Fe	e Sir	nple			Res;		5,00
View	N;V		N;Res:			32	2670	sf		re	e Simple		
Design (Style)	DT	1;Ranch	DT1;Ranch			N;1	Wtr.				890 sf		
Quality of Construction	Q3		Q3			DT	Γ1;Ra	nch		IN;	Res;		
Actual Age	60		60				3 .				1;Ranch		
Condition	C3		C3			52			^	Q3			
Above Grade	Total	Bdems Baths		_		СЗ			0	57			
Room Count	7	3 2.0		atha		Total	Bérne	Batha		C2			-5,00
Gross Living Area	-	1,217 sq.ft.	7 3 1	.0	3,000			2.0			Bdrms Baf		
Basement & Finished	0sf	1,217 Eq. ft.	1,200	sq.fL	510			,305 sq. ft.	0	6	2 2.0	0	
Rooms Below Grade	٠		0sf			0sf		,000 Eq. R.	-2,640		1,099	sq.fL	3,54
unctional Utility	Aver	200								0sf		T	
	FIALA	VGas/C/Air	Average			Ava	arage						
nergy Efficient Items	None	Gas/C/AIr	BB/Radnt/C//	Air	0	BR/	Rade	t/C/Air		Ave	rage		
arage/Carport	2dw		None			Non	te .	OMI	0	FW/	A/Gas/C/A	ir	
orch/Patio/Deck			1ga2dw		-5,500	109	2dw			Non	Ð		
ireplaces	0 F/P		Porch		2,500	Por	ch/Po	tio	-5,500	1ga2	2dw	T	-5,500
ence/Shed/Pool	2 She		0 F/P			1 F/F		uU	1,500	Porc	h	1	2,500
	ZONE		Shed			None		-	-500	1 F/F	o .		-500
et Adjustment (Total)	Typic	al	Typical			Typic				None			-500
ljusted Sale Price			(X)+ D-	S	5,510	Di		x)-  s		Kitch	en/Baths		-5,000
DULL TILCE							- 17		7 140				
Comparables			Net Adj. 3.9%						7,140	1	- (X)-	S	4 080
Comparables			3ross Adj. 11.8%	s		Net Ad	ij	5.1%	1	Vet Ad	-3 5v	S	4,960
Comparables ITEM			3ross Adj. 11.8%	S	145,510	Net Adj	lj	5.1% 7.2% s	132,760	Net Ad	-3 5v		
Comparables ITHM to of Prior Sale/Transfer			3ross Adj. 11.8%	S		Net Adj	lj	5.1% 7.2% s		Net Adj	i3.5% di. 19.3% COMPAR	S ABLE S	134 940
Comparables ITEM to of Prior Sale/Transfer co of Prior Sale/Transfer		SUB	Pross Adj. 11.8%	S	145,510	Net Adj	lj	5.1% 7.2% s	132,760	Net Adj	i3.5% di. 19.3% COMPAR 01/06/201	S ABLE S	
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables TIEM to of Prior Sale/Transfer ce of Prior Sale/Transfer ta Source(s)		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
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Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
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Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
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Comparables ITEM to of Prior Sale/Transfer oc of Prior Sale/Transfer to Source(s) to Sale of Peter Sales		SUB.	Pross Adj. 11.8%	s co	145,510 MPARABLE SALI	Net Adj Gross A	4	5.1% 7.2% s COMPAR	132,760 (ABLE SALE NO. 5	iross A	3.5% di. 19.3% COMPAR 01/06/201: \$139,091	S ABLE S 5	134,940 SALE NO. 6
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FAGE 82



#### ROBERT J. BELL & ASSOC., INC REAL ESTATE APPRAISERS

	File No. 120KIDI
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·*	
No AMC PrimeLending, A Plains Capital Company	
18111 PRESTON RD DALLAS, TX 75252	
31300 01 11 1222	
File Number: 120KIDD	
Service and the service and th	
in accordance with your request, I have appraised the real property at:	
120 KIDD BLVD NORFOLK. VA 23502	
The purpose of this appraisal is to develop an opinion of the market value of the sub. The property rights appraised are the fee simple interest in the site and im-	ject property, as improved. provements.
in my opinion, the market value of the property as of July 8, 2015	is:
\$185,000	
One Hundred Eighty-Five Thousand Dollars	
The attached report contains the description, analysis and supportive da final opinion of value, descriptive photographs, limiting conditions and app	ata for the conclusions.
final opinion of value, descriptive photographs, limiting conditions and app	propriate certifications.
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Muri Sex	
ROBERT JEFFREY BELL #4001004048	
APPRAISER	
•	

Property Address 120 KIDD	appraisa re	sport is to pro	vide the render/d			ately supported	I, opinion of the ma			property
	BLVD				NORFOLK				Code 23502	
COTTOMER PAUL & PATRIC				of Public Record PAI	JL & PATRIC	IA DAVIS	Cour	ty NORFO	LK CITY	
egal Description 3 BLK A		REST SHORE	ES					T 6 1 7	00	
ssessor's Parcel # 108207					Year 2014	***		Taxes\$ 1,7		
eighborhood Name RIVE	- James				Reference 221	Post III	PUD HOAS 0	sus Tract 000	per year	per mon
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roperty Rights Appraised				r (describe)						
ender/Client PrimeLending				s 18111 PRESTON	PD STE 900	DALLAS TO	75252			
s the subject property curren								s X No	7/17/	
Report data source(s) used, o										
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did did not analy	ze the contrac	t for sale for the	subject purchase tr	ransaction. Explain the	results of the a	nalysis of the con	tract for sale or why th	ne analysis v	es not perform	d
					19455					
Contract Price \$		te of Contract		Is the property seller			-	eta Source(s		
ls there any financial assistar				payment assistance, el	c.) to be paid by	any party on bei	naif of the borrower?	Ŭ Ye	s UNo	
If Yes, report the total dollar a	amount and de	escribe the items	to be paid.							
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Neighborhood Boundaries						IGHWAY	650 High	80 C	ommercial	30%
64, WEST OF HIGHWA							200 Pred.	40 a	her	
Neighborhood Description	See Attached	Addendum						537		
Market Conditions (including	support for th	e above condus	ions) See Attach	ed Addendum						
Dimensions 80 X 160			Area 1280			e RECTANGU	LAR	New N;W	tr,	
Specific Zoning Classification				scription SF RESIDE						
Zoning Compliance X L				d Use) No Zon		al (describe)				
Is the highest and best use of								WAL		
	of the subject p	reperty as impre	oved (or as propose	ed per plans and spedi	ications) the pro	esent use?	X Yes No	tf No, descrit	oe	
			oved (or as propose							c Priv
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Ferrie Mas Form 1004 March 2005 1004\_05UF007222014 Uniform Residential Appraisal Report

File No. 120KIDD

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nere are 4 compare	able propertie	es currently off	ered for sale	in the subject	neighborhood rangin	g in price from	\$ 160.00	0 to 5	270,000 to\$ 270,0	100	
here are 6 compar	able sales in	the subject nei	ighbarhood w	vithin the past	twelve months range	ng in sale price	HOLD I	30,000		PARABLE S	LENO.3
FEATURE		VECT	001	WPARABLE S	SALENO.1	LUVE	APVOLE OF	LENU. 2	5921 JERR		
20 KIDD BLVD			148 KIDD	BLVD		5913 BRIND					
ddress NORFOLK, VA 23502		NORFOLK, VA 23502			NORFOLK, VA 23502			NORFOLK, VA 23502 0.28 miles NW			
Proximity to Subject		0.11 miles SW			0.27 miles S		105.000	0.28 miles NW \$ 130,000			
ale Price	\$		West 16	5			H (25)	193,000	e 112 8	5 en 9	
	5	0.00 sq.ft.	s 154.2	29 sq.ft.					REINMLS	#1410560-T	OM 105
ata Source(s)			REINMLS	\$ #1512919;	DOM 12	REINMLS #					ERIOR INSP
erification Source(s)		44444	ASSESSO	R REC;EX	TERIOR INSP		The state of the s	ERIOR INSP			
ALUE ADJUSTMENTS		RIPTION		RIPTION	+(-) \$ Adjustment	DESCRIP	TION	+(-) \$ Adjustment	DESCR	PHON	+(-) \$ Adjustment
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ancessians			FHA;0			VA;0			Conv;0	0.4	
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lew	N:Wtr.		N;Wtr;			N;Res;		20,000	N;Res;		20,000
esign (Style)	DTI:RAN	ICH	DTI:RAN	NCH		DTI;RANC	H		DTI;RAN	СН	
Lality of Construction	Q4		Q4			Q4			Q4		
ctual Age	60		59		0	-			60		
condition	C4		C3		-30,000	C4			C4		-
bove Grade	Total Barra	Baths	Total Barra	Buths		Total Edms.	Buths		Total Edms.	Baths	
Room Count	7 3		1		-1,500	6 3	2.0	0		1,0	
Bross Living Area 30	-	1,208 sq.ft.	1	1,750 sq.f		1	,692 sq.ft.	-14.520		1,152 sq.ft	1,680
Basement & Finished	Osf	1,200 0416	Osf			0sf			Osf		
Rooms Below Grade	1001								-		-
Functional Utility	AVERAG	GE	AVERAG	GE		AVERAGE			AVERAC		
Heating/Cooling	FWA C/A		FWA C/A			FWA C/Air			FWA C/A		-
		WD/DRS	INSUL V			INSUL WI	D/DRS		INSUL W	/D/DRS	0
Energy Efficient Items	2dw		2gd2dw		-15,000	2gd2dw			2dw		-
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UU IF ALO DECK	T Deck		1								
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			_						1005		
Net Adjustment (Total)	418594	<b>建建筑组织</b>	₽ D+	[x]- !	62.76	+	x -  s	8,52		U- S	25,680
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of Comparables ITEM Date of Prior Sale/Tran Price of Prior Sale/Tran Data Source(s) Effective Date of Data	anater a Source(s)	07/08/2015	Gross Ad. 32.0% % SUBJECT  ORDS  ORDS	CITY RECORDS 07/08/2015	SOO GrossAd.  ESALENO. 4  ADJUSTED DO	% 5	MPARABLE SALE	NO.5	COMPA	RABLESALENO. (

Loan #: 2107000862

Date: AUGUST 14, 2015

Applicant's Name:

PAUL RUFUS DAVIS JR

Applicant's Address: 120 KIDD BLVD

NORFOLK, VA 23502

Description of Account, Transaction, or Requested Credit: MORTGAGE APPLICATION

Description of Action Taken:

Thank you for your recent application for credit. Your request for a loan was carefully considered, and we regret that we are unable to approve your application at this time for the following reason(s):

Part I - Principal Reason(s) for Credit Denial, Termination, or Other Action Taken Concerning Credit

This section must be completed in all instances.

	Credit application incomplete
	Insufficient number of credit references provided
	Unacceptable type of credit references provided
	Unable to verify credit references
	Temporary or irregular employment
	Unable to verify employment
	Length of employment
	Income insufficient for amount of credit requested
	Excessive obligations in relation to income
	Unable to verify income
	Length of residence
	Temporary residence
	Unable to verify residence
	No credit file
	Limited credit experience
	Poor credit performance with us
	Delinquent past or present credit obligations with others
	Collection action or judgment
	Garnishment or attachment
	Foreclosure or repossession
	Bankruptcy
	Number of recent inquiries on credit bureau report
- 150s	50.104

15858.104

Page 1 of 3



		2107000862
_		Value or type of collateral not sufficient Other, specify:
Pai	rt II -	Disclosure of Use of Information Obtained From an Outside Source
		ction should be completed if the credit decision was based in whole or in part on information that has been i from an outside source.
	repo cont deci free noti	credit decision was based in whole or in part on information obtained in a report from the consumer orting agency listed below. You have a right under the Fair Credit Reporting Act to know the information tained in your credit file at the consumer reporting agency. The reporting agency played no part in our ision and is unable to supply specific reasons why we have denied credit to you. You also have a right to a copy of your report from the reporting agency, if you request it no later than 60 days after you receive this ice. In addition, if you find that any information contained in the report you receive is inaccurate or complete, you have the right to dispute the matter with the reporting agency.
	Nan	ne:
	Add	iress:
	Toll	l-Free Telephone Number:
	deci	also obtained your credit score from this consumer reporting agency and used it in making our credit ision. Your credit score is a number that reflects the information in your consumer report. Your credit score change, depending on how the information in your consumer report changes.
	Υοι	ur credit score:
	Dat	e:
	Sco	ores range from a low of to a high of
	Key	y factors that adversely affected your credit score:
	Ify	ou have any questions regarding your credit score, you should contact Experian at:
	Ad	dress: P. O. Box 2002, Allen, TX 75013
	Tol	ll-free Telephone number: 1-888-397-3742

Our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, no later than 60 days after you receive this notice, for disclosure of the nature of this

information.

# Notice of Action Taken and Statement of Reasons

Applicant Name and Address Paul R Davis, Jr 120 KIDD BLVD, NORFOLK, VA 23502

Today's Date
April 17, 2015
Description of Account, Transaction or Requested Credit

Property Address 120 KIDD BLVD, NORFOLK, VA 23502

We have carefully considered the credit application and sincerely regret that we are unable to approve the application at this time for the reason(s) indicated below. The decisions reflected below apply to applicant listed above unless otherwise noted.

Conventional mortgage

Value or type of collateral not sufficient

If you have any questions regarding this notice, you should contact:

Creditor's Name: Wells Fargo Bank, N.A.

Phone: 800-258-6649

Creditor's Address: 800 WALNUT ST, 9TH FLOOR, DES MOINES, IA 50309-3605

Our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request to us, no later than 60 days after you receive this notice, for disclosure of the nature of this information.

Thank you for considering us for your financing needs. Although we cannot be of service to you right now, you have our promise of immediate attention any time you choose to call on us for future assistance.

Notice: The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is:

Bureau of Consumer Financial Protection 1700 G Street NW Washington, DC 20006





Loan #: 2107000862

Date: AUGUST 14, 2015

Applicant's Name:

PATRICIA ANN DAVIS

Applicant's Address: 120 KIDD BLVD

NORFOLK, VA 23502

Description of Account, Transaction, or Requested Credit:

MORTGAGE APPLICATION

Description of Action Taken:

Thank you for your recent application for credit. Your request for a loan was carefully considered, and we regret that we are unable to approve your application at this time for the following reason(s):

Part I - Principal Reason(s) for Credit Denial, Termination, or Other Action Taken Concerning Credit

This section must be completed in all instances.

Credit application in	complete
Insufficient number	of credit references provided
Unacceptable type of	of credit references provided
Unable to verify cre	dit references
Temporary or irregu	ılar employment
Unable to verify em	
Length of employm	
Income insufficient	for amount of credit requested
	ns in relation to income
Unable to verify inc	
Length of residence	
Temporary residen	ce
Unable to verify re	
No credit file	
Limited credit expe	erience
Poor credit perform	
Delinquent past or	present credit obligations with other
Collection action of	or judgment
Garnishment or att	
Foreclosure or rep	
Bankruptcy	<del></del>
Number of recent	inquiries on credit bureau report
rumou or recent	

15858.104



Loan #: 2107000862

Date: AUGUST 14, 2015

Applicant's Name:

PATRICIA ANN DAVIS

Applicant's Address: 120 KIDD BLVD

NORFOLK, VA 23502

Description of Account, Transaction, or Requested Credit: MORTGAGE APPLICATION

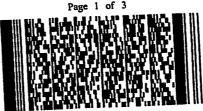
Thank you for your recent application for credit. Your request for a loan was Description of Action Taken: carefully considered, and we regret that we are unable to approve your application at this time for the following reason(s):

Part I - Principal Reason(s) for Credit Denial, Termination, or Other Action Taken Concerning Credit

This section must be completed in all instances.

Credi	it application incomplete
Toget	Scient number of credit references provided
Illian	cceptable type of credit references provided
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Unat	porary or irregular employment
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Unai	oth of employment
Len	me insufficient for amount of credit requested
Inco	essive obligations in relation to income
Exc	essive obligations in foliation to the
Una	ble to verify income
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Una	able to verify residence
	credit file
Lin	nited credit experience
	and it morformance with US
De	linquent past or present credit obligations with others
Co	llection action or judgment
G	arnishment or attachment
Fo	reclosure or repossession
De	anlementes:
Da	umber of recent inquiries on credit bureau report
N	
	Poge 1 of 3

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2107000862

X	Value or type of collateral not sufficient Other, specify:
	II - Disclosure of Use of Information Obtained From an Outside Source
obta	s section should be completed if the credit decision was based in whole or in part on information that has been sined from an outside source.
<b>-</b>	Our credit decision was based in whole or in part on information obtained in a report from the consumer reporting agency listed below. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You also have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency.
	Name:
	Address:
	Toll-Free Telephone Number:
	We also obtained your credit score from this consumer reporting agency and used it in making our credit decision. Your credit score is a number that reflects the information in your consumer report. Your credit score can change, depending on how the information in your consumer report changes.
	Your credit score:
	Date:
	Scores range from a low of to a high of
	Key factors that adversely affected your credit score:
	If you have any questions regarding your credit score, you should contact TransUnion Consumer Disclosure Center at:
	Address: P.O. Box 1000, Chester, PA 19022
	Toll-free Telephone number: 1-800-916-8800
[	Our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, no later than 60 days after you receive this notice, for disclosure of the nature of this information.

2107000862

If you have any questions regarding this notice, you should contact:

Creditor's name: PRIMELENDING, A PLAINSCAPITAL COMPANY

Creditor's address: 704 QUINCE ORCHARD ROAD #230, GAITHERSBURG, MD 20878

Creditor's telephone number: (888) 812-2711

Notice: The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is the FEDERAL RESERVE CONSUMER HELP CENTER, PO BOX 1200, MINNEAPOLIS, MN 55480.



#### **DENNIS BAILEY & ASSOCIATES**

Real Estate Appraisers

228 NORTH DONNAWOOD DRIVE

SUITE 103

VIRGINIA BEACH, VA 23452

(757) 498-9280 • FAX: (757) 498-9774

# APPRAISAL REPORT

FOR:

Chartway Federal Credit Union RE: Davis, Paul R. & Patricia A.

May 13, 1999

GENTLEMEN:

AS REQUESTED (I-WE) HAVE PERSONALLY INSPECTED THE PROPERTY DESCRIBED AS:

120 Kidd Boulevard Norfolk, Virginia 23502

THE PURPOSE OF THIS APPRAISAL IS TO ESTIMATE THE MARKET VALUE OF THIS PROPERTY AS OF May 10, 1999 IT IS MY OPINION THAT THE MARKET VALUE AS OF THE AFOREMENTIONED DATE IS:

\$ 84,000.00

THE PROPERTY WAS APPRAISED AS A WHOLE, OWNED IN FEE SIMPLE AND UNENCUMBERED, SUBJECT TO THE CONTINGENT AND LIMITING CONDITIONS OUTLINED HEREIN.

JOHN E PITTS ed Residential
Certified Residential Appraiser

תשוטבות הבטועבת	HAL APPRAISA	LEPORT	File Ito.	kidd120
Property Address 120 Kidd Boulevard	City Norfolk	State		502
Legal Description Lot 3, Block A, River Fore	st Shores	County	n/a	
Assessor's Parcel No. 10820700 1	Tax Tear 30/33h.E.			
Borrower Davis, Paul R.Jr & Current Owner Pa	atricia A./same	Occupant: X		Vacant
Property rights appraised X Fee Simple Leasehold Proje		Condominium (HUD/VA		· · · · · · · · · · · · · · · · · · ·
Neighborhood or Project Name River Forest	Map Reference 1		Census Tract 006	9.02
Sale Price S n /a Date of Sale n /a Description a	and \$ amount of loan charges/con	cessions to be paid by se	ller n/a	
Londer/Client Chartway, Fed. C. U. Address	160 Newtown Roa	ad Virginia	Beach, VA	23462
Appraiser John E. Pitts Address	228 N Donnawood			
	minant Single family ho		use % Land use cha	
Built up X Over 75% 25-75% Under 25% occur	sancy \$ (000)	(yrs) One taining	90 X Not likely	
GIOWIII I I I I I I I I I I I I I I I I I	wner 90 70 Low		In proce	ess
Property values Increasing X Stable Declining X To			To:	
	acant (0-5%) Predomina		5	
		45 (vac )	5	
Note: Race and the racial composition of the neighborhood are not a	appraisal factors.		TC4 +	_
Neighborhood boundaries and characteristics: Interstate	1264 to north,	Interstate	164 LO Eas	<u> </u>
Elizabeth River to south and west.				
Factors that affect the marketability of the properties in the neighborhood	od (proximity to employment a	nd amenities, employm	ent stability, appeal to	market etc ;
Two subject property is located in	River iorest,	an establis	ned nerdino	T 11000
li- the city of Norfolk Properties	are a mix of r	anch and z	STOLA HORSE	3 OI
Warner and are compat	ible in archit	ecturai des	idn. It is	iiear
schools, shopping and major traffic	arteries. Reg	TOUGI EMPIO	Ament cente	TP ate
Name il responsible				
Market conditions in the subject neighborhood (including support for the at	ove conclusions related to the	trend of property value	s, demand/supply, and i	resions etc ):
such as data on competitive properties for sale in the neigh	borhood, description of the	prevalence of sales	iscount noi	nts &
A typical seller is willing to pay	a portion of t	ongod by th	e type of 1	nan
CC in this area, thus, sales prices	are not initu	enced by the	in halance	No.
Marketing time is average and suppl	y and demand a	ppear to be	C A SIMMADY	PEDODT
adverse neighborhood conditions wer	e noted. This	APPRAISAL I	T HOTEL A C.	ICDAD
TO DESCRIPT DIE MITTE DONNE OF THE RUDI				
AS DEFINED BY THE BOARD OF THE APPE	CAISAL FOUNDATI	ON AND COME	Vac Vac	No.
Project Information for PUDs (If applicable) Is the developer/builder	r in control of the Home Owner:	S' Association (HUA)?	res	No
P Project Information for PUDs (If applicable) Is the developer/builder  U Approximate total number of units in the subject project	r in control of the Home Owner: Approximate total number.	S' Association (HUA)?	res	No
P Project Information for PUDs (If applicable) Is the developer/builded  Approximate total number of units in the subject project  Describe common elements and recreational facilities: not locat	r in control of the Home Owner: Approximate total number.	er of units for sale in the	res	No No
P Project Information for PUDs (If applicable) Is the developer/builded  Approximate total number of units in the subject project  Describe common elements and recreational facilities: not locat  Dimensions 80 x 160 x 80 x 160	Approximate total numbered in a PUD	Topography	subject project	
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Project Information for PUDs (If applicable) Is the developer/builded Approximate total number of units in the subject project Describe common elements and recreational facilities: Not located Dimensions 80 x 160 x 80 x 160 Site area 12800 sf +/-  Specific zoning classification and description R6 Residential Zoning Compliance X Legal Legal nonconforming (Grandfathered use) Highest & best use as improved: X Present use Other use (explain)  Utilities Public Other Off-site Improvements Street asphaled Curb/gutter Yes Sanitary sewer X Sidewalk Yes Storm sewer X Sidewalk Yes Storm sewer X Alley No Comments (apparent adverse easements, encroachments, special assess Equal  GENERAL DESCRIPTION EXTERIOR DESCRIPTION No. of Units 1 Foundation block No. of Stories 1 Exterior Walls Vinyl Design (Style) ranch Gutters & Dwnspts Yes/Yes	Approximate total number ted in a PUD  Corner Lot Yes X R  al Illegal No zoning  S Type Public Pri  A T X X  Sments, slide areas, illegal or legal or legal no Crawl Space Yes  Basement none	Topography No Size Shape Drainage View Vate: Landscaping Driveway Surface Apparent easement FEMA Special File FEMA Map No.  BASEMENT Area Sq. Ft. N % Finished N Ceiling N Walls N	level typical frectangul appears a average typical concrete normal ut bod Hazard Area Map Date 510104-0004I ling use, etc.):  INSULA / a Roof / a Ceiling / a Walls	for area lar adequate tilities Yes X No 4/17/84
Project Information for PUDs (If applicable) Is the developer/builded Approximate total number of units in the subject project Describe common elements and recreational facilities: Not located Dimensions 80 x 160 x 80 x 160 Site area 12800 sf +/-  Specific zoning classification and description R6 Residential Zoning Compliance X Legal Legal nonconforming (Grandfathered use) Highest & best use as improved: X Present use Other use (explain) Other Utilities Public Other Off-site Improvements  Sidewalk Yes Sidewalk Yes Sidewalk Yes Sanitary sewer X Street lights Yes Storm sewer X Alley NO  Comments (apparent adverse easements, encroachments, special asses Equal  GENERAL DESCRIPTION EXTERIOR DESCRIPTION  No. of Units 1 Foundation block  No. of Stories 1 Exterior Walls Vinyl  Type (Det./Att.) detach Roof Surface Comp  Design (Style) ranch Gutters & Dwnspts Yes/Yes Alley  Existing/Proposed exist Window Type dh	Approximate total number ted in a PUD  Corner Lot Yes X I I I I I I I I I I I I I I I I I I	Topography No Size Shape Drainage View Vate: Landscaping Driveway Surface Apparent easement FEMA Special File FEMA Map No.  BASEMENT Area Sq. Ft. N % Finished N Ceiling N Walls N	level typical frectangul appears a average typical concrete normal ut bood Hazard Area Map Date 510104-0004I sing use, etc.):  INSULA A Roof A Ceiling A Walls A Floor A None	for area lar adequate tilities x x x x x x x x x x x x x x x x x x x
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Project Information for PUDs (If applicable) Is the developer/builded Approximate total number of units in the subject project Describe common elements and recreational facilities: Not located Dimensions 80 x 160 x 80 x 160  Site area 12800 sf +/-  Specific zoning classification and description R6 Residential Zoning Compliance X Legal Legal nonconforming (Grandfathered use) Highest & best use as improved: X Present use Other use (explain)  Utilities Public Other Off-site improvements Street asphales Curb/gutter Yes Sanitary sewer X Sidewalk Yes Sanitary sewer X Sidewalk Yes Street lights Yes Storm sewer X Storm sewer X Alley NO  Comments (apparent adverse easements, encroachments, special asses Equal  GENERAL DESCRIPTION EXTERIOR DESCRIPTION No. of Units 1 Foundation block No. of Stories 1 Exterior Walls Vinyl Type (Det./Att.) detach Roof Surface Comp Design (Style) ranch Gutters & Dwnspts Yes/Yes Existing/Proposed exist Window Type dh Tage (Yrs.) 44 Storm/Screens Yes/Yes Effective Age (Yrs.) 17-21 Manufactured House NO	Approximate total number ted in a PUD  Corner Lot Yes X R  al Illegal No zoning  Type Public Pri  It X  X  X  Sments, slide areas, illegal or legal space Yes  Basement None  Sump Pump No  Dampness NoneNo  Infestation NoneNo	Topography No Size Shape Drainage View Vate Landscaping Driveway Surface Apparent easeme FEMA Special Fle FEMA Map No.  BASEMENT Area Sq. Ft. n. % Finished n. Ceiling n. Walls n. Led Floor n. Led Outside Entry n.	level typical frectangul appears a average typical concrete normal ut bood Hazard Area Map Date 510104-0004I sing use, etc.):  INSULA A Roof A Ceiling A Walls A Floor A None	tilities Yes X No 4/17/84 Done
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Project Information for PUDs (If applicable) Is the developer/builded Approximate total number of units in the subject project Describe common elements and recreational facilities: not local Dimensions 80 x 160 x 80 x 160  Site area 12800 sf +/-  Specific zoning classification and description R6 Residential Zoning Compliance X Legal Legal nonconforming (Grandfathered use) Highest & best use as improved: X Present use Other use (explain SI Electricity X Street asphaled Curb/gutter Yes Sidewalk Yes Sanitary sewer X Street lights Yes Storm sewer X Street lights Yes Storm sewer X Street lights Yes Storm sewer X Alley no Comments (apparent adverse easements, encroachments, special assess Equal  GENERAL DESCRIPTION EXTERIOR DESCRIPTION No. of Units 1 Foundation block No. of Stories 1 Exterior Walls Vinyl Type (Det./Att.) detach Roof Surface comp Design (Style) ranch Gutters & Dwnspts Yes/Yes Existing/Proposed exist Window Type dh Storm/Screens Yes/Yes Effective Age (Yrs.) 44 Storm/Screens Yes/Yes Effective Age (Yrs.) 17-21 Manufactured House no Rooms Basement Level 1 1 1 1	Approximate total number ded in a PUD  Corner Lot Yes X R  al Illegal No zoning  Type Public Print X  Type Public	Topography Size Shape Drainage View Vate: Landscaping Driveway Surface Apparent easeme FEMA Special Flo FEMA Zone C FEMA Map No.  BASEMENT Area Sq. Ft. N % Finished N Ceiling N Walls N Led Floor N Led Outside Entry N Led Floor N Led F	level typical frectangul appears a average typical concrete normal ut bod Hazard Area Map Date 510104-0004I ding use, etc.):  INSULA / a Roof / a Ceiling / a Walls / a Floor / a Unknown Laundry Other	for area lar adequate tilities x No 4/17/84 Done

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m average	COMPLET	stion and	are compa	TIDIE	in arc	hitaat	1 -3	:	<b>-</b> .	
schools,	shoppir	ng and maj	or traffi	c arte	eries	Pegior	rarar d	201911.	IL IS	near
easily a	ccessibl	le.	= <u></u> -			Region	rer emb	Toymen	t cente	ers are
Market conditions	s in the subject n	eighborhood (includi	ng support for the	ahova concl	ueione rolated	• • • • • • • • • • • • • • • • • • •			-	· ·
such as da	ita on competit	tive properties for	sale in the neigh	above conci	description .	to the trend	of property v	alues, deman	d/supply, and	marketing time
A typica	l seller	is willi	na to nav	3 1007 TOOL	ction o	i ine prev € +b-	valence of sa	ales and fin	ancing conc	essions, etc.)
CC in th	is area	thus sa	les price	a por	not in	f Lile	buyers	Q1SCO	int poi	ints &
Marketin	g time i	thus, sa	and supp	l are	HOL IN	ruenc	ea by	the ty	pe of ]	oan.
adverse	neighbor	s average	itions wo	ro not	demain	u appe	ar to	be in .	palance	No.
AS DEFIN	ED BY TH	hood cond	TCIOIIS WE	DATCAT	EOIND	IS APE	RAISAL	IS A	SUMMARY	REPORT
Project Informati	tion for PUDe (	E BOARD O	o dougloper/builds	RAISAL	FOUND	ATION	AND COL	MPLIES	<u> HTIW</u>	JSPAP.
Approximate total	number of unite	f applicable) Is the in the subject project	• ceveloper/builde						Yes	No
				Appro	oximate total r	number of ur	nits for sale in	the subject p	roject	
Dimensions 80	y 160 v	ecreational facilities:	not roca	Lea II	i a PUD					
Site area 1280					<del></del>		Topography		vel .	
				Corner L	ot Yes _	X No · S	Size			or area
Zoning Compliance	assilication and o	description R6 I					Shape		ctangul	
			(Grandfathered use)	llega	II No zoi	ning [	Orainage	ap	pears a	dequate
Highest & best use a		The same of the sa	Other use (explain			The state of	∕iew	ave	erage	
5			ite improvement			Private L	-		pical	
Gas	X	Street		ITC	X		Driveway Surfa		ncrete	
1	<del></del>	Curb/g	· 4		X					ilities
	X	Sidew	4 = -		X	_	EMA Special I		Area	Yes X No
-	X	Street	4		X		EMA Zone _(			4/17/84
	X	Alley	no			F	EMA Map No.	510104	1-0004D	)
Comments (appare	ent adverse ease	ements, encroachme	ents, special asses	sments, slide	e areas, illegal	or legal nor	nconforming z	oning use, et	o.): no	ne
Equal					·····					
GENERAL DESCR		EXTERIOR DESCRI		FOUNDAT	<b>FION</b>	В	BASEMENT		INSULATI	ION
No. of Units	1	Foundation	block	Slab	no	A A	rea Sq. Ft. T	ı/a	Roof	
No. of Stories	1	Exterior Walls	vinyl	Crawl Spa	ce yes	X	Finished T	1/a	Ceiling	avg x
Type (Det./Att.)		Roof Surface	comp	Basement	none	c	Ceiling T	1/a	Walls &	avg x
Design (Style)	ranch	Gutters & Dwnspts.		Sump Pur			Valis T	1/a	Floor	
Existing/Proposed		Window Type	dh	Dampness		loted F		ı/a	None	
Age (Yrs.)	44	Storm/Screens	yes/yes	Settlemer			outside Entry <b>r</b>	ı/a	Unknown	
Effective Age (Yrs.)		Manufactured House	no	Infestation	None N	loted				
ROOMS Foyer	Living	Dining Kitch	en Den	Family Rm.	Rec. Rm.	Bedrooms	# Baths	Laundry	Other	Area Sq. Ft.
Basement			.i							··
Level 1	1	1 1	<u> </u>	1		3	2.0		utl.	1268
Level 2										
										*
Finished area abov			oms: 3	Bedroom(s)	2.0	Bath(s)	1268	Squar	e Feet of Gro	ss Living Area
	aterials/Condition		KITCHEN	NEQUIP.	ATTIC	: AME	ENITIES		CAR STORAG	
	otvin/avo		- <u>-</u>	=	None	Fire	place(s)#		None	
	allbd/avo	g Fuel Oi	1 Range/C	ven X	Stairs	Pati	io		Sarage	# of cars
	ood/avg	Condition av	g Disposal		Drop Stair	Dec	k	X	Attached	
	inyl/avg	COOLING	Dishwasl	ner X	Scuttle	X Pore	ch	X	Detached	
Bath Wainscot <b>C</b> €		vg Central CA	.C Fan/Hoo	d X	Floor	Fen	ce	X	Built-In	
Doors WC	ood/avg	Other	Microwa	ve 🔲 :	Heated	Poo	d		Carport	
		Condition a V		Oryer 1	Finished	<u> </u>	sheds		Priveway	1car
		efficient items, etc.):	Storm w	indow	s, stor		rs, dec		<del></del>	and
ceiling f						• • • • • • • • • • • • • • • • • • • •				
Condition of the im	provements, der	preciation (physical,	functional, and ext	ternal), repa	irs needed, qu	ality of cons	struction, rem	odeling/addit	ions, etc.	No
functiona	il or ext	ternal dep	reciation	noted	d. Nor	mal we	ear and	tear	noted	
Subject h	las an al	oove groun	d oil tar	k with	h no le	aks no	oted.			
										<del></del>
Adverse environme	antal conditions	(such as, but not I	imited to, hazardo	us wastes,	toxic substan	ces, etc.)	present in the	improveme	nts. on the c	ite or in the
immediate vicinity	of the subject ;	property: none	noted						110 5	or in the
		<del></del>								

10 CH.

FOTOKETED DEDEN	n ar Tarak pancarana saha		1 1	Tiled 80/04/04	Dogg 155	7 of 000 Decelo	<b># 040</b>
Dwelling 1.26	8 Sc. Ft. es 48.	87 = \$ (	ument 1-1 51 . 967	Filed-06/21/24		ine = the succession	
	Sq. Ft @ S	· · · · · · · · · · · · · · · · · · ·	21,30,			the Paris and the same of the	45 YIS
appl, deck,	porch, 3shed	ls -	7,500		· · · · · · ·	19 19 19 19 19 19 19 19 19 19 19 19 19 1	· · · · · · · · · · · · · · · · · · ·
	Sq. Ft @ \$	_		see ske	tch		
Total Estimated Cost	New	= S (	59,467				i
Less Physic				THIS HO	USE MEET	S HUD MINIM	UM
Depreciation 114		a (	11,4	90 REQUIRE	MENTS.		
Depreciated Value of	Improvements	<b>=</b> (	57,9	977			
"As-is" Value of Site	Improvements	= 5	$\frac{4}{\sqrt{6}}$	OO COST DA	TA OBTAI	NED FROM MA	RSHALL
INDICATED VALUE	BY COST APPROAC	H = :	85,9	77 AND SWI	FT VALUA	TION SERVIC	E.
ITEM		COMPARABI			E NO. 2		E NO. 3
				5944 McGinn			
Address Boulev	ard	·		Circle		Boulevard	
Proximity to Subject		T DIOCK	00 000	3 blocks	00 000	same block	
Sales Price	\$ 11/a	\$ 70 O1 D	88,000	6 62 17 17	89,900	S.	84,000
Data and/or	• • •	3 /0.01 //	<u>la itan all'italitti</u>	\$ 62.17 <b>□</b>		\$ 61.05 [/]	
	Due Inen	may records	S. MIC	Tax records	c MTC	Mar magazda	C MT C
VALUE ADJUSTMENTS							
Sales or Financing	DESCRIPTION	DESCRIPTION				DESCRIPTION	- (-) \$ Adjustment
Concessions		VA		EHY		VA	
Date of Sale/Time		3/17/99	1	CLOSED FHA 11/11/98		12/4/98	
	River Fst	River Fst		River Fst		River Fst	
				Fee		Fee	
Site	80x160/avg	90x125/avg		Fee 80a125/avg average		82x125/avg	
View	average	average		average		average	
		ranch/avg	• · · · · · · · · · · · · · · · · · · ·	ranch/avg		ranch/avg	
Quality of Construction	sid/crawl	brick/craw]	-2500	brick/crawl	-2500	sid/crawl	
	44	44		45		44	1
Condition	average	average		average		average	
		Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths	
Room Count	7 3 2.0	6 3 1.0	+1000	6 4 1.0	+1000	7 3 2.0	
Gross Living Area	1268 Sq. Ft.	1128 Sq. Ft.	+1680	1446 Sq. Ft.	-2136		-1296
Basement & Finished				•			
Rooms Below Grade		none	<u>.</u>	none		none	
Functional Utility	typical	typical		typical		typical	
		FHA/CAC		BB/CAC		FHA/CAC	
Energy Efficient Items		sw/sd		sw/sd		sw/sd	
Garage/Carport	converted	none		det. 2car	-2500	c.port	-500
1	deck/3sheds			porch		deck/shed	
	pch/FP	fireplace	+1000	fireplace	+1000	none	+2000
Fence, Pool, etc.				<del>.i.</del>		·	
			1 100		<u>-</u>	[19]	
Net Adj. (total)		X+ - s	1,180	D	5,136	<u> </u>	204
Adjusted Sales Price			89,180		01 761		04 204
of Comparable	Campaigna (institution	\$		ne neighborhood, etc.):	84,764		84,204
				Adjustmen			
				Comparable			
				weight fac		ITS MOSE SIM	1101
to the sur	Jour and We	a grven cile		- " 2110 140	~~		
			<del></del>				
ITEM	SUBJECT	COMPARABI	LE NO. 1	COMPARABLI	E NO, 2	COMPARABL	E NO. 3
Date, Price and Data			=======================================	the second of th	THE REPORT OF THE PARTY OF THE		
Source for prior sales	, ,	none		none		none	Ì
		city record	is	city record	s	city record	s
Analysis of any current	agreement of sale, option	n, or listing of the subject	property and analy	sis of any prior sales of sub	oject and compara	bles within one year of the	date of appraisa
To the app	raiser's kr	nowledge the	ere have	been no pri			
		parables wit					
INDICATED VALUE BY	SALES COMPARISON AP	PROACH				\$	84,000
	P. S.	Applicable) Estimated M			iross Rent Multip		
This appraisal is made				or conditions listed below		to completion per plans a	
Conditions of Appraisa				the heating/	cooling	and electri	cal
systems ar	e in good v	vorking orde	er.				
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Borrower/Client: Davis. Paul R. Jr., and Patricia A.

Property Address: 120 Kidd Boulevard
City/State/Zip: 120 Kidd Boulevard
Norfolk, Virginia 23502

Lender: Chartway FCU

The subject property is located in river Forest, an established area in the city of Norfolk. The neighborhood is primarily residential with a few small commercial properties located along the main thoroughfares. These commercial properties do not appear to have any adverse marketing effects on the subject property nor it's neighborhood. Essential services are nearby and the major traffic arteries lead to regional employment centers.

The subject property is a 3 bedroom, 2.0 bath, 1-story house constructed on a crawl foundation. The exterior is siding. The property has storm windows and storm doors, covered porch, deck, 3 sheds, and ceiling fans.

All comparable properties used are current sales located in the subject's neighborhood. Adjustments were made for gross living area, construction, and amenities. The comparables used are the most suitable found and deemed to be good indicators of value.

All comparable dates used in this appraisal report are closed dates. Fencing was not considered in this appraisal due to the insignificant impact it has on buying decisions and the difficulty of establishing ownership of the comparable properties fencing.

Site information was taken from city records and is believed to be accurate.

This appraisal was prepared for those Parties, and/or their assigns named as the lender/client in the URAR and is for their sole and exclusive use. This appraisal was prepared in accordance with the Uniform Standard of Professional Appraisal Practice. A Statement of Limiting Conditions and Appraiser's Certification has been provided with this appraisal and should be given the same consideration as the remainder of this report.

John T. Schropp has significantly contributed to the development of this appraisal. He assisted in gathering pertinent information necessary to prepare the report, entered the property and thoroughly researched comparable sales data for use in the market analysis.

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a compensation open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledged assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as specified date and passing of title from seller to buyer under conditions whereby: (1) buyer and seller are motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best merest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in u.s. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustments should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

### STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

- 1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- 2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- 5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. The separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
- 6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- 7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- 8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
- 9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in

- Case 2:24-cv-00399-AWA-RJK Document 1-1 Filed 06/21/24 Page 160 of 233 PageID# 315 2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
  - 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
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- 7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- 8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
- 9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
- 10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

Freddie Mac Form 439 6-93

Case have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.

- 3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclucusions, which are subject only to the contingent and limiting conditions specified in this form.
- 4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
- 5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
- 6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrance of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
- 7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
- 8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
- 9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

#### **ADDRESS OF PROPERTY APPRAISED:**

120 Kidd Boulevard, Norfolk, VA 2	3502
APPRAISER: OHNE POTS	SUPERVISORY APPRAISER (only if required):
Signature:	Signature:
Name: John E. Pitts ad Residential	Name:
Date Signed: May (1/3, 1999) Estate	Date Signed:
State Certification #: 4001 002375	State Certification #:
or State License #:	or State License #:
State: VA	State:
Expiration Date of Certification or License: 03/31/2000	Expiration Date of Certification or License:
	Did Did Not Inspect Property

DAVIS Loan #: 2107000862

Date: AUGUST 14, 2015

Applicant's Name:

PAUL RUFUS DAVIS JR

Applicant's Address: 120 KIDD BLVD

NORFOLK, VA 23502

Description of Account, Transaction, or Requested Credit: MORTGAGE APPLICATION

Description of Action Taken:

Thank you for your recent application for credit. Your request for a loan was carefully considered, and we regret that we are unable to approve your application at this time for the following reason(s):

Part I - Principal Reason(s) for Credit Denial, Termination, or Other Action Taken Concerning Credit

This section must be completed in all instances.

Crodit and lines:
 Credit application incomplete
 Insufficient number of credit references provided
 Unacceptable type of credit references provided
 Unable to verify credit references
 Temporary or irregular employment
 Unable to verify employment
 Length of employment
 Income insufficient for amount of credit requested
 Excessive obligations in relation to income
 Unable to verify income
 Length of residence
 Temporary residence
 Unable to verify residence
 No credit file
 Limited credit experience
 Poor credit performance with us
 Delinquent past or present credit obligations with others
 Collection action or judgment
Garnishment or attachment
Foreclosure or repossession
Bankruptcy
 Number of recent inquiries on credit bureau report
 manios on cream outeau tepoti

**5** 15858.104

Page 1 of 3



	2107000862
	Value or type of collateral not sufficient Other, specify:
Par	t II - Disclosure of Use of Information Obtained From an Outside Source
	s section should be completed if the credit decision was based in whole or in part on information that has been ained from an outside source.
	Our credit decision was based in whole or in part on information obtained in a report from the consumer reporting agency listed below. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You also have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency.
	Name:
	Address:
	Toll-Free Telephone Number:
	We also obtained your credit score from this consumer reporting agency and used it in making our credit decision. Your credit score is a number that reflects the information in your consumer report. Your credit score can change, depending on how the information in your consumer report changes.
	Your credit score:
	Date:
	Scores range from a low of to a high of
	Key factors that adversely affected your credit score:
	If you have any questions regarding your credit score, you should contact Experian at:
	Address: P. O. Box 2002, Allen, TX 75013
	Toll-free Telephone number: 1-888-397-3742
	Our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, no later than 60 days after you receive this notice, for disclosure of the nature of this information.

Loan #: 2107000862

Date: AUGUST 14, 2015

Applicant's Name:

PATRICIA ANN DAVIS

Applicant's Address: 120 KIDD BLVD

NORFOLK, VA 23502

Description of Account, Transaction, or Requested Credit: MORTGAGE APPLICATION

Description of Action Taken:

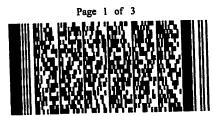
Thank you for your recent application for credit. Your request for a loan was carefully considered, and we regret that we are unable to approve your application at this time for the following reason(s):

Part I - Principal Reason(s) for Credit Denial, Termination, or Other Action Taken Concerning Credit

This section must be completed in all instances.

Credit application incomplete
Insufficient number of credit references provided
Unacceptable type of credit references provided
Unable to verify credit references
Temporary or irregular employment
Unable to verify employment
Length of employment
Income insufficient for amount of credit requested
Excessive obligations in relation to income
Unable to verify income
Length of residence
Temporary residence
Unable to verify residence
No credit file
Limited credit experience
Poor credit performance with us
Delinquent past or present credit obligations with others
Collection action or judgment
Garnishment or attachment
Foreclosure or repossession
Bankruptcy
Number of recent inquiries on credit bureau report

**5858.104** 





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	Value or type of collateral not sufficient Other, specify:
Par	t II - Disclosure of Use of Information Obtained From an Outside Source
Thi	is section should be completed if the credit decision was based in whole or in part on information that has been tained from an outside source.
	Our credit decision was based in whole or in part on information obtained in a report from the consumer reporting agency listed below. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You also have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency.
	Name:
	Address:
	Toll-Free Telephone Number:
	We also obtained your credit score from this consumer reporting agency and used it in making our credit decision. Your credit score is a number that reflects the information in your consumer report. Your credit score can change, depending on how the information in your consumer report changes.
	Your credit score:
	Date:
	Scores range from a low of to a high of
	Key factors that adversely affected your credit score:
	If you have any questions regarding your credit score, you should contact TransUnion Consumer Disclosure Center at:
	Address: P.O. Box 1000, Chester, PA 19022
	Toll-free Telephone number: 1-800-916-8800
	Our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, no later than 60 days after you receive this notice, for disclosure of the nature of this information.

2107000862

If you have any questions regarding this notice, you should contact:

Creditor's name: PRIMELENDING, A PLAINSCAPITAL COMPANY

Creditor's address: 704 QUINCE ORCHARD ROAD #230, GAITHERSBURG, MD 20878

Creditor's telephone number: (888) 812-2711

Notice: The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is the FEDERAL RESERVE CONSUMER HELP CENTER, PO BOX 1200, MINNEAPOLIS, MN 55480.

#### ROBERT J. BELL & ASSOC., INC REAL ESTATE APPRAISERS

File No.	12	01	Č	П	D
		-	-		_

No AMC
PrimeLending, A Plains Capital Company
18111 PRESTON RD
DALLAS. TX 75252

File Number: 120KIDD

In accordance with your request, I have appraised the real property at:

120 KIDD BLVD NORFOLK, VA 23502

The purpose of this appraisal is to develop an opinion of the market value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the market value of the property as of  $\,$   $_{\rm July\,8.\,2015}$ 

is:

\$185,000
One Hundred Eighty-Five Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.

ROBERT JEFFREY BELL

#4001004048 APPRAISER

The purpose				Uniform	Res	sidentia	II A	oprai	sall	кер	ort	File No	. 120KIDD	
Donnet A	of this sun	nmary appraisal re KIDD BLVD	eport is t	o provide the ler	der/cli	ent with an ac	curate,	and adec	uately s	supporte	d, opinion of th	ne market	value of the sub	iect proper
		KIDD BLVD TRICIA DAVIS					uty NC	DRFOLK				State VA	Zip Code 2350	)2
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Assessor's l	Parcel# 10	820700	KEST SI	TORES			F \/-							
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Property Rig	hts Apprais	ed X Fee Simp		Leasehold	Other (	describe)					PUD HOAS	0	per year	permo
Assignment	Type	Purchase Transacti	on X	Refinance Transac	tion [	Other (descri	be)							
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Gas	[X]		-	Sanitary S	Sever	X					Alley NONE	NL1	[X]	H
FEMA Special	Flood Haza	d Area Yes	X No	FEMA Flood Zo	and a		FEM	AMap#	510104	0180F		VA Map Dat	te 09/02/2009	
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			Unitorm	Res	idential .	Appra	alsal R	eport	File N	b. 120KIDD	)
There are 4 cont	parable prop	perties currently	offered for sale in th	e subjec	t neighborhood ran	paina in price	from\$ 160	000 to	\$ 270,000		
FEATURE	Jarabie Sale	s in the subject i	neighbarhood within	the pas	t twelve months ran				to\$ 270	0,000	
120 KIDD BLVD		SUBJECT			SALE NO. 1	0	CVPARABLE	SALENO. 2	α	WPARABLE S	SALENO, 3
			148 KIDD BLV	VD		5913 BR	INDA AVE		5921 JER		
Address NORFOLK,			NORFOLK, V	A 2350	2	NORFOI	LK, VA 2350	)2		K, VA 2350	,
Proximity to Subject		moules:	0.11 miles SW			0.27 mile			0.28 miles		-
Sale Price	\$		74 C	s	270,000	THE REAL PROPERTY.	s	195 000			100
Sale Price/Gross Liv. Area	S	0.00 sq.ft.	\$ 154.29 so	ı ft 🔯			-	195,000			130,
Data Source(s)	SHEET ST	GOLD OF U.S.	REINMLS #15								in en
Verification Source(s)	19000	S. Marine	ASSESSOR RE	12919	DOM 12		S#1446877			S #1410560:	
VALUE ADJUSTMENTS	PASSED/ASE	SCRIPTION				ASSESSO	OR REC;EX	TERIOR INSP	ASSESSO	R REC;EXT	ERIOR INSI
Sale or Financing	3.956.59.5	SCRIPTION	DESCRIPTIO	20	+(-)\$Aqustment	DESC	RIPTION	+(-) \$ Adjustment	DESC	RIPTION	+(-) \$ Adjustme
	1/200	SHE BUE	ArmLth			AnnLth			ArmLth		
Concessions	10000	2002 700	FHA;0			VA:0			Conv:0		
Date of Sale/Time	Line Are	Chine St.	s04/15;c04/15			s05/15;c0	4/15		s07/14;c0d	C/1.4	
Location	N;Res;		N:Res;			N:Res:			N:Res:	3/14	
Leasehold/Fee Simple	FEE SIN	MPLE	FEE SIMPLE			FEE SIM	DIE				
Site	12800 s	f	14305 sf		0	9877 sf	FLE		FEE SIME	LE	
View	N:Wtr.		N;Wtr;						10565 sf		
Design (Style)	DT1:RA	NCU		-		N;Res;		20,000	N;Res;		20,0
Quality of Construction		INCH	DTI;RANCH			DT1:RAN	NCH		DT1;RAN	CH	
Actual Age	Q4		Q4			Q4			Q4		
	60		59		0	60			60		
Condition	C4		C3		-30,000	C4			C4		
Above Grade	Total Barr	ns Baths	Total Barns Ba	ths		Total Edms	Buths		Total Barns	P.1	
Room Count	7 3	3 2.0	8 4	2.1	-1.500	6 3				Baths	
Gross Living Area 30	_	1.208 sq ft	1,750	-			2.0	0	7 3	1.0	3.0
Basement & Finished	Osf	1,200 24 16	0sf	SCI IL	-16,260		1,692 sq.ft.	-14,520		1,152 sq.ft.	1,6
Rooms Below Grade	031		USI			0sf			0sf		
Functional Utility				_							
	AVERA		AVERAGE			AVERAG:	E		AVERAGE	Ε Ι	
Heating/Cooling	FWA C/		FWA C/Air			FWA C/A	ir		FWA C/Ai	r	
Energy Efficient Items	STORM	WD/DRS	INSUL WD/DRS	S	0	INSUL W	D/DRS	0	INSUL WI		
Garage/Carport	2dw		2gd2dw			2gd2dw		-15,000		J.D.C.	
Porch/Patio/Dedk	Deck		Patio			NONE					
						HONE		1,000	NONE		1,0
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Vet Adjustment (Total)	erkstein.	EU-DE-DE-DE-DE				- Personal Control	-			-	
		Service :	U+ [X]-	S	62.760	+	X - S	8,520	[X]+	]-  s	25,6
Adjusted Sale Price of Comparables			Net Aq23.2%9	96		Net Adj4	1.4% %		Net Adj. 19	20 603	
Myresearch did (X) Data source(s) MLS/CO	OK! KEC	CLUS				ee years pric	a to the effect		isal.		
Viyleseardi (A) dd		Chargo 22 97									
	did not rev	eal any prior sale	s or transfers of the	стра	rable sales for the y		he date of sale	of the comparable :	sale.		
Surgery WILS/CO	OK I KEC	UKDS			rable sales for the y	ear prior to the					
will for	OK I KEC	UKDS				ear prior to the				n 21	
will for	OK I KEC	OKDS analysis of the pri		istory of	the subject propert	ear prior to the	arable sales (n	port additional prior	sales on pag		
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120 KIDD BLVD			124 KIDD BLV	D						30.1777222	0-1110.0
Address NORFOLK, V	A 235	02	NORFOLK, VA	2350	2						
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VALUE ADJUSTMENTS	1	DESCRIPTION	DESCRIPTION		+(-) \$ Adjustment	DESC	RIPTION	+(-) \$ Adjustment	D	ESCRIPTION	+(-) \$ Adjustment
Sale or Financing			Listing					(70. cjazna)		DOG OF FIGHT	1-13 POLISITETE
Concessions	Heil		;0								
Date of Sale/Time	300	omanens	Active		-13,500						
Location	N;Re		N:Res;								
Leasehold/Fee Simple	FEE S	SIMPLE	FEE SIMPLE								-
Site	1280	Osf	12621 sf		0						
View	N;Wt	r,	N:Wtr:								
Design (Style)	DTI:	RANCH	DT2;CAPE COD	)	0						
Quality of Construction	Q4		Q4								
Actual Age	60		76		0						
Condition	C4		C3		-30,000						
Above Grade	Total E	tims. Buts	Total Barris Bat	hs	-50,000	Total Bulms	Baths		Tatal		
Room Count	7	3 2.0	8 5	2.1	-1,500	Total Edition	DATS .		Total B	tms. Batts	
Gross Living Area 30	_	1,208 sq.ft.	2,421	-	-36,400						
Basement & Finished	Osf		0sf	34 IL	-30,400		sq.ft.			sq. ft.	
Rooms Below Grade			V31								
Functional Utility	AVE	PAGE	AVERAGE	-							
Heating/Cooling	FWA										
Energy Efficient Items			FWA C/Air								
Garage/Carport		M WD/DRS	INSUL WD/DRS		0						
PordyPatio/Dedk	2dw		2dw	_							
ruurrabbuedk	Deck		Inground Pool		-5,000						
				-							
	VALATOR	NOTE CANCELLY CONT.	7								
Net Adjustment (Total)	15272	44,070,000	+ X-	S	86,400	_ +	s		()+	)-  s	
Adjusted Sale Price			Net Adj32.0%%	ā		Net Adj.	%		Net Adj.		
of Comparables			Gross Adj. 32.0% %	15	183,600	Gross Adi.	% S	1	Gross A		
ITEM		SUE	SUECT		COMPARABLE SAL	ENO.4		ARABLE SALE NO.			ESALENO. 6
		1							-		
Date of Prior Sale/Transfer			1				1				
Price of Prior Sale/Transfer				-			-		+		
Price of Prior Sale/Transfer Data Source(s)		CITY RECORD	os l	CITY	RECORDS				+		
Price of Prior Sale/Transfer Data Source(s) Effective Date of Data Source	æ(s)	CITY RECORD 07/08/2015		07/0	RECORDS						
Price of Prior Sale/Transfer  Data Source(s)  Effective Date of Data Source Summary of Sales Comparis	son App	07/08/2015 roach COMP 4	IS AN ACTIVE L	07/0	S/2015 IG AND IS ADJU	JSTED DO	WN BASED	ON THE LIST TO	DSALI	ES PRICE RATI	OS IN THE
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File No. 69649288

### APPRAISAL OF



### LOCATED AT:

120 KIDD BLVD NORFOLK, VA 23502-5214

#### FOR:

Wells Fargo Bank, N.A. - 0161950 Des Moines IA 50309

### BORROWER:

DAVIS PAUL R and PATRICIA

AS OF:

April 12, 2015

BY:

James Michael Sexton

FORLIS@MSN.com

File No. 69649288 Wells Fargo Bank, N.A. - 0161850 Des Moines IA 50309 File Number: 69849288 In accordance with your request, I have appraised the real property at: 120 KIDD BLVD NORFOLK, VA 23502-5214 The purpose of this appraisal is to develop an opinion of the market value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements. In my opinion, the market value of the property as of April 12, 2015 i8: \$132,000 One Hundred Thirty-Two Thousand Dollars The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.

		Ĺ	Jniform Re	esidential	Apprais	sal Re	port	File	No. 120KIDD	
FEATURE		SUBJECT		BLE SALENO. 4		/PARABLE S			COMPARABLES	ALENO.6
120 KIDD BLVD	· · · ·		124 KIDD BLVD							
Address NORFOLK, V.	A 23502		NORFOLK, VA 2	3502	1					
		anananya.	0.02 miles SW							
Sale Price	S	wantenged to mainle	July and the	s 270 00	o Manne	similar s		(intern	s s	
Sale Price/Gross Liv. Area	5	0.00 sq.ft.	\$ 111.52 sq.ft.	Well/16/11/00	\$ 00			\$	0.00 sq. ft.	
Data Source(s)		WWW.WW	REINMLS #15238		3.0	- Total			T Pages	
Verification Source(s)			ASSESSOR REC:							
VALUE ADJUSTMENTS	P. William John Co., Comp. Co.	SCRIPTION	DESCRIPTION	+(-)\$Adjustment	DESCR	PTION	+(-) \$ Adjustment	DES	SCRIPTION	+(-) \$ Adjustment
Sale or Financing	75/1/1935	Office Street	Listing	-(/4/chaile)	-		() or spenting			1/2-4
Concessions	1000		;0							
Date of Sale/Time		allenieren a	Active	-13,50	0					
Location	N:Res:	CHARLES AND COLORS	N:Res;	-15,50	-	-				
Leasehold/Fee Simple	FEE SI	MDLE	FEE SIMPLE		<b>-</b>					
Site	12800		12621 sf		0					
View	N;Wtr,		N;Wtr;		-					
	DTI;R		DT2;CAPE COD		0					
Design (Style)		ANCH			-					
Quality of Construction	Q4		Q4		0					
Actual Age	60		76	-30,00	_			-		
Condition  Above Grade	C4		Total Borns Baths		Total Etims	Baths		Total Bd	ms. Baths	
	Total Bd			2.1 -1,50		DUITS		ILAG EG	Loss	
RoomCount		3 2.0				sq. ft.		-	sq.ft.	
Gross Living Area 30	+	1,208 sq.ft.	2,421 s	qft -36,40	-	ed it			34.10	
Basement & Finished	0sf		0sf							
Rooms Below Grade		LCE	ATERIOR		-					
Functional Utility	AVER		AVERAGE							
Heating/Cooling	FWA C		FWA C/Air					-	-	
Energy Efficient Items	1	M WD/DRS	INSUL WD/DRS		0					
Garage/Carport	2đw		2dw				-	-		
Porch/Patio/Deck	Deck		Inground Pool	-5,00	10			-		
	-				-			-		
					-			-		
	900000	essentation of		1-				 	n- Is	
Net Adjustment (Total)	Steller.		D+ X-	\$ 86,40		- \$		-		
Adjusted Sale Price			Net Adj32.0%%		Net Adj.	%		Net Adj.		
of Comparables	61793	sage tagony	Gross Adj. 32.0% %		0 Gross Adi.	% \$		Gross A		LESALENO. 6
		S	BJECT	COMPARADI E						
ITEM				COVPAVELL	SALENO.4	COM	PARABLE SALE NO	2.5	COMPARAE	LESALENCE
Date of Prior Sale/Transfer				COMPAVELLE	SALE NO. 4	COM	PARABLE SALE NO	25	COMPARAE	LESALENCE
Date of Prior Sale/Transfer Price of Prior Sale/Transfer					SALENO.4	COM	PARABLE SALE NO	25	COMPARAE	LES-LENG U
Date of Prior Sale/Transfer Price of Prior Sale/Transfer Data Source(s)	r	CITY RECOR		CITY RECORDS	SALE NO. 4	COM	PARABLE SALE NO	25	COMPARAE	LES-LENGT
Date of Prior Sale/Transfer Price of Prior Sale/Transfer Data Source(s)	r ma(e)	CITY RECOR	DS	CITY RECORDS						
Date of Prior Sale/Transfer Price of Prior Sale/Transfer Data Source(s) Effective Date of Data Source(s) Summary of Sales Compa	rce(s)	CITY RECOR 07/08/2015	DS 4 IS AN ACTIVE L	CITY RECORDS 07/08/2015 ISTING AND IS A	DJUSTED DO					
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_		Omnorm resident	ran yalaha ansa	n weho	L.F.	File No.	69649288	
T	he purpose of this summary appraisal report i	s to provide the lender/client with ar	accurate, and adequate	ely supported	oninion of the	market v	alue of the subject	property
	Property Address 120 KIDD BLVD		City NORFOLK	, cappeina,				
		NA					Zip Code 23502	-5214
	Borrower DAVIS PAUL R and PATRIC	A Owner of Public Rec	ord DAVIS PAUL R	and PATR	CIA Co	unty No	rfolk City	
	Legal Description 3 Blk A River Forrest S	hores						
	Assessor's Parcel # 10820700		Tax Year 2014		DI	. Taxes \$	1 708	
H	Neighborhood Name River Forest Shores		Map Reference N/A					
8	Occupant X Owner Tenant Vacan					nsus Trac	0069.02	
7		(and	5 0	P	UD HOAS O		per year	per month
Ξ	Property Rights Appraised X Fee Simple	Leasehold Other (describe)						
	Assignment Type Purchase Transaction	X Refinance Transaction Other (d	escribe)					
	Lender/Client Wells Fargo Bank, N.A							
			1 1 1 1 1 1 1			(20)		
	Is the subject property currently offered for sale or	has it been offered for sale in the twelve in	onths prior to the effective d	date of this appr	aisal?	es XI	No	
	Report data source(s) used, offering price(s), and of	iate(s). Data sources include:	REIN/MLS/Tax Rec	cords. Per	MLS/Tax Re	cords ti	ne subject prop	perty
	has not been sold or listed in the pa	st year.						
	I did did not analyze the contract for sal	e for the subject purchase transaction. By	alain the results of the analy	reis of the contra	et for eals or ubu	the enable	io mas not marforms	,
		vivi and subject parentine stationed in	min are results of the analy	yars or the count	action sand or why	the analys	sts was not performe	1.
9								
	Contract Price \$ Date of Co	ntract Is the proper	y seller the owner of public	record?	Yes No	Data Sour	rce(s)	
2	Is there any financial assistance (loan charges, sal	c concessions, gift or downnayment assis	ance, etc.) to be neid by any	v narty on hehal	fof the harrower?		Yes No	
8	if Yes, report the total dollar amount and describe		ander, each, to be paid by any	y party on ocua	TOT THE DOLLOWER	_	) ICS UNO	
	in 1 co, report the total deliat amount and describe	ne nems to be paid.						
	Note: Race and the racial composition of the ne	lehborhood are not appraisal factors.						
	Neighborhood Characteristics		Housing Trends			-		
			The same of the sa		One-Unit Hou	sing	Present Land	
	Location Urban X Suburban Rur	al Property Values Increasing		Declining	PRICE	AGE	One-Unit	75 %
9	Built-Up X Over 75% 25-75% Unc	fer 25% Demand/Supply Shortage	X In Balance	Over Supply	\$(000)	(yrs)	2-4 Unit	2.5 %
8	Growth Rapid X Stable Slo	w Marketing Time Under 3		Over 6 mths	110 Low	1		2.5 %
Ħ	Neighborhood Boundaries The subject is b							
ä			CIZADOUI RIVEI 10	uie	230 High		Commercial	10 %
	South, Rt. 64 to the East, and Rt. 1				160 Pred.	60	Other Vacant	10 %
E	Neighborhood Description The subject is le	ocated in an established resid	ential area within c	close proxin	nity to school	ls, shop	pping, houses	of
2	worship and other expected suburb	an amenities. Major commute	r routes nearby pro	ovide acces	s to most po	ints in	the metropolita	n area
á	including employment centers. The	neighborhood exhibits average	e maintenance nat	Home and r	norkotability	iiito iii	are medoponia	iii diod
				uerns anu i	narketability.	-		
	Market Conditions (including support for the above	conclusions) 568 Attached Add	andum					
	Dimensions 80 x 320	Area 25600 sf	Shape Re	equier		View N	·Wfr·	
	Specific Zoning Classification R-6					Alem 14	,vvu,	
			le Family Residence					
		nconforming (Grandfathered Use)						
	Is the highest and best use of the subject property	as improved (or as proposed per plans an	specifications) the present	t use?	Yes No	If No. des	cribe. See Attac	ched
	Addendum					57.5 10 <b>*</b> 53.5	-	
		2.1	u- 04-71-0-3					
	, and a second	Pub	ic Other (describe)		Off-site Improv			Private
=	Electricity X	Water X			Street Paven	nent	(X)	U
25	Gas X	Sanitary Sewer X			Alley None			
	FEMA Special Flood Hazard Area Yes X	No FEMA Flood Zone X	FEMA Map# 5	5101040180	OF FEA	A Map D	ate 09/02/2009	
3	Are the utilities and off-site improvements typical for	r the market area? X Yes No	If No, describe.					
	Are there any adverse site conditions or external fa				Yes X No	7077		
							describe. The ap	
	did not check the land records for recorde	l easements, as these types of do	uments are not readily	available. T	he appraiser h	as report	ted only apparent	
	easements, encroachments, and other ap	parent adverse conditions for the p	urpose of this appraisa	al. The appra	iser also recon	nmends	a qualified profes	sional
	(surveyor and/or EPA consultant) for a con	nplete and accurate description of	any factors that may ha	ave been unfo	oreseen at the	time of it	aspection.	All Control of the Co
8	GENERAL DESCRIPTION	FOUNDATION	EXTERIOR DESCRI					s/condition
		Concrete Slab X Crawl Space			olock/Avg.	Floors	Carpet/V	n./Avg.
	# of Stories 1	Full Basement Partial Base	ment Exterior Walls	Vinyl/A	vg.	Walls	Drywall/A	vg.
		nit Basement Area	sq. ft. Roof Surface	Asph.S	hingle/Avg.	Trim/Fini	sh Wood/Av	g.
	X Existing Proposed Under Const.				hingle/Avg.	Trim/Fini		
		. Basement Finish	0 % Gutters & Downsp	outs None		Bath Floo	T Vinyl/Avg	
	Design (Style) Ranch	Basement Finish Outside Entry/Exit Sump F	0 % Gutters & Downspoump Window Type	outs None Metal/A		Bath Floo Bath Wa	vinyl/Avg	
	Design (Style) Ranch Year Built 1955	Basement Finish Outside Entry/Exit Sump F Evidence of Infestation	0 % Gutters & Downspoump Window Type Storm Sash/Insula	Metal/A nted None	wg.	Bath Floo Bath Wa Car Stor	vinyl/Avg	s/Avg.
	Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15	Basement Finish Outside Entry/Exit Sump F Evidence of Infestation Dampness Settlement	0 % Gutters & Downspo ump Window Type Storm Sash/Insula Screens	Metal/A ated None Metal/A	lvg.	Bath Floo Bath Wa Car Stor	vinyl/Avg inscot Fiberglas age None way # of Cars 2	s/Avg.
	Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15 Attic	Basement Finish Outside Entry/Exit Sump F Evidence of Infestation Dampness Settlement	0 % Gutters & Downspoump Window Type Storm Sash/Insula	Metal/A ated None Metal/A	wg.	Bath Floo Bath Wa Car Stor	vinyl/Avg	s/Avg.
	Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15	Basement Finish Outside Entry/Exit Sump F Evidence of Infestation Dampness Settlement	0 % Gutters & Downspump Window Type Storm Sash/Insula Screens Radiant Amenities	Metal/A  ted None  Metal/A  Websited None	NVg.	Bath Flor Bath Wa Car Stor X Drive Driveway	r Vinyl/Avg	s/Avg.
	Design (Style) Ranch	Basement Finish Outside Entry/Exit Sump H Evidence of Infestation Dampness Settlement Heating X FWA HWBB	0 % Gutters & Downspump Window Type Storm Sash/Insula Screens Radiant Amenities Fireplace(s) #	Metal/A ated None Metal/A Wo  O Fer	AVg.  odStove(s) #0  cc None	Bath Floor Bath Wat Car Stort X Drive Driveway Gara	v Vinyl/Avg inscot Fiberglas age None way # of Cars 2 v Surface Paved ge # of Cars (	s/Avg.
	Design (Style) Ranch	Basement Finish Outside Entry/Exit Sump I Bvidence of Infestation Dampness Settlement Heating X FWA HWBB Other Fuel Gas Cooling X Central Air Conditionin	0 % Gutters & Downspump Window Type Storm Sash/Insula Screens Radiant Amenities Fireplace(s) # g X Patio/Deck Do	Metal/A  metal/A  metal/A  metal/A  Metal/A  Metal/A  We  O  Ferro  Meck X Por	NVg.  odStove(s) #0  ice None  ch Covered	Bath Floor Bath War Car Store X Driveway Gara Carp	x Vinyl/Avg inscot Fiberglas age None way # of Cars 2 x Surface Paved age # of Cars ( out # of Cars (	s/Avg.
2	Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15 Attic None Drop Stair Stairs Floor X Scuttle Finished Heated	Basement Finish  Outside Entry/Exit Sump F Bvidence of Infestation  Dampness Settlement Heating X FWA HWBB  Other Fuel Gas Cooling X Central Air Conditionin  Individual Other	0 % Gutters & Downsp ump Window Type Storm Sash/Insula Screens Radiant Amenities Fireplace(s) # g X Patio/Deck Do	Metal/A  metal/A  metal/A  metal/A  metal/A  wo  O Fer  metal/A  None	AVg.  odStove(s) #0  acc None ch Covered er 2 Sheds	Bath Floor Bath Wat Car Stort X Drive Driveway Gara	v Vinyl/Avg inscot Fiberglas age None way # of Cars 2 v Surface Paved ge # of Cars (	s/Avg.
ENTS	Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15 Attic Drop Stair Stairs Floor X Scuttle Finished Heated Appliances X Refrigerator X Range/Over	Basement Finish Outside Entry/Exit Sump I Bridence of Infestation Dampness Settlement Heating X FWA HWBB Other Fuel Gas Cooling X Central Air Conditionin Individual Other A X Dishwasher Disposal X	0 % Gutters & Downsp ump Window Type Storm Sash/Insula Screens Radiant Amenities Fireplace(s) # g X Patio/Deck Dd Pool NOne Microwave X Washen	wouts None Metal/A ated None Metal/A Wo 0 Fer eck X Por X Oth	NVg.  odStove(s) #0  ice None  ch Covered	Bath Floor Bath War Car Store X Driveway Gara Carp	x Vinyl/Avg inscot Fiberglas age None way # of Cars 2 x Surface Paved age # of Cars ( out # of Cars (	s/Avg.
MENTS	Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15 Attic None Drop Stair Stairs Floor X Scuttle Finished Heated	Basement Finish Outside Entry/Exit Sump I Bridence of Infestation Dampness Settlement Heating X FWA HWBB Other Fuel Gas Cooling X Central Air Conditionin Individual Other A X Dishwasher Disposal X	0 % Gutters & Downsp ump Window Type Storm Sash/Insula Screens Radiant Amenities Fireplace(s) # g X Patio/Deck Dd Pool NOne Microwave X Washen	Metal/A  metal/A  metal/A  metal/A  metal/A  wo  O Fer  metal/A  None	AVG.  odStove(s) #0  ice None  ich Covered  er 2 Sheds  ther (describe)	Bath Floo Bath Wa Car Stor X Drive Driveway Gara Carp Att.	w Vinyl/Avg inscot Fiberglas age None way #of Cars 2 surface Paved age #of Cars ( out #of Cars ( Det.	s/Avg.
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IMPROVEMENTS	Design (Style) Ranch Year Built 1955 Effective Age (Yrs) 15 Attic None Drop Stair Stairs Floor X Scuttle Finished Heated Appliances X Refrigerator X Range/Over Finished area above grade contains: Additional features (special energy efficient items, or the start of the property (including newer turned on, and in proper work subject property appeared to have workmanlike manner, however, it we the main system, therefore, the approximation of the property (including newer turned on, and in proper work subject property appeared to have the main system, therefore, the approximation of the property (including newer turned on, and in proper work subject property appeared to have the main system, therefore, the approximation of the property (including newer turned on, and in proper work subject property appeared to have the main system, therefore, the approximation of the property (including newer).	Basement Finish  Outside Entry/Exit Sump I Bvidence of Infestation Dampness Settlement Heating X FWA HWBB O Other Fuel Gas Cooling X Central Air Conditionin Individual Other A X Dishwasher Disposal X 7 Rooms 3 Betc.). Typical features for the	O % Gutters & Downsp ump Window Type Storm Sash/Insula Screens Radiant Amenities    Fireplace(s) #   Fool None   None     Microwave   X   Washer     Amenities   Washer     Microwave   X   Washer     Microwave	Metal/A  Met	N/g.  N/g.  odStove(s) #0  too None  ch Covered  er 2 Sheds  ther (describe)  1,217 Squar  in the prior  ing for hot w  The work was  erted space (is appraisal.	Bath Floor Bath Wai Car Storn Driveway Gare Cap Att.  15 year ater).  as perfodid havd	x Vinyl/Avg inscot Fiberglas age None xxxy # of Cars 2 x Surface Paved cyt # of Cars ( ort # of Cars ( Det.  Gross Living Area Al xx; All of the util The garage of xrmed in a e HVAC tied in nued in adden	s/Avg.  Built-in  over Grade  from  dum>
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ACTUAL = 80 × 468 = 574405F Uniform Residential Appraisal Rep

There are 4 comp	omble n	onastics summed					ACROHICHCH .	- Thbr	ensen	жие	Porr	rue	No. 696	49200	,
	arable es	les in the mati	offered	for sale	e in the s	subjec	t neighborhood raz	ging in price	from \$	139		s 210,00	00		
FEATURE	Table 8	CITID TO	neighbo	orhood v	within th	e past	twelve months ran				115,000	to \$ 2	17,500		
120 KIDD BLVD		SUBJECT	-				ALE NO. 1				SALE NO. 2	0	OMPARA	BLES	ALE NO. 3
	1/0 0	2500 5044			d Bou			5921 J	епу Ко	oad		300 Pe	flev Dr	ive	
Address NORFOLK	VA Z	3502-5214			VA 23	_	2	Norfoli	, VA 2	3502	2	Norfolk	. VA 2	3502	
Proximity to Subject	-		0.1	1 mil	les SV	ν		0.27 m	iles NV	٧		0.54 m			
Sale Price	S		-		12	S	141,500	-		S	130,000	100		s	140,000
Sale Price/Gross Liv. Area	S	0.00 sq.1	_		77 sq.fl			s 112	.85 sq. fl	£			.63 sq.f	_	140,000
Data Source(s)	-		MLS	SREI	N#143	34199	;DOM 25	MLS RE	IN #141	0560	0;DOM 105				;DOM 31
Verification Source(s)			Tax	K ID#	36280	0100		Tax ID:	#08835	900	1,20,111,100	Tax ID			,DOWIST
VALUE ADJUSTMENTS	D	ESCRIPTION		DESCR	RIPTION	1	+(-) \$ Adjustment		RIPTION				RIPTION		
Sale or Financing			Am	nLth				ArmLth			+(-) \$ Adjustment	ArmLth		-	+(-) \$ Adjustment
Concessions			Cas	sh;0				Conv:0							
Date of Sale/Time		National Transfer			08/14			807/14				Cash;0		-	
Location	N;W	rFr;		VtrFr;				N;Res;	000/14		E 000	s06/14;		-	
Leaschold/Fee Simple		Simple		Sim				Fee Sir	anla	-	5,000	N;WtrF		-	
Site	2560			82 sf			0	10454		-		Fee Sir		-	
View	N;W		N;V		-			N;Res;	)I	-		13939	Sf	_	0
Design (Style)		Ranch		1;Ran	nch	-					0	B;Wtr;		-	-5,000
Quality of Construction	Q3		Q3	i,i tai	10(1	-		DT1;Ra	ncn	-		DT1;Ra	inch		
Actual Age	60		59	337772		-		Q3		_		Q3			
Condition	C3		C4			-	0			_		55			0
Above Grade	Total Be		-	. 1		-	5,000					C2			-5,000
Room Count		frms Baths 3 2.0	Total		Baths			Total Bdrms	Baths			Total Bárms			
Gross Living Area			6	3	1.1		2,000		1.0		4,000	6 3	1.0		4,000
Basement & Finished	Osf	1,217 sq. fi		1,	,509 s	q.fl.	-8,760	-	1,152 s	q.fL	1,950		1,277 8	q.fl.	-1,800
	USI		0sf					0sf				0sf			
Rooms Below Grade Functional Utility	Δ		1.			_		-							
	Avera			rage				Average				Average	9		
Heating/Cooling		/Gas/C/Air		-	/C/Air		0	FWA/0	I/C/Air		0	FWA/G		ir	
Energy Efficient Items	None		Non					None	B= < Whierding			None			
Garage/Carport	2dw			2gd2			-12,000	2dw				2dw		1	
Porch/Patio/Deck		/Deck		ch/Pa	atio		1,500	Porch			2.500	Porch/D	leck		
Fireplaces	0 F/P		1 F/	P			-500	0 F/P				1 F/P	COIL		-500
Fence/Shed/Pool	2 She	eds	Fen	ce/Po	ool		-8,000	Fence/S	hed		-1,000			$\rightarrow$	-1,000
Misc. Upgrades	Typic	al	Typi	ical				Typical		-	1,000	Kitchen	Undate	be	
Net Adjustment (Total)				+ [	X)-	S	20,760	X +	Π-	s	12,450		X)-	_	-5,000
Adjusted Sale Price			Net A	di1	14.7%			Net Adj.	9.6%	-	12,400		-	S	14,300
of Comparables					26.7%		120,740				142,450	Net Adj. •			
. [20]						-			1 1 . 1 70	12	142,450	Gross Adj.	15.9%	21	125,700
I X did did not res	carch the	sale or transfer	history of	t the sn	thiect nre	nnerty	and comparable s	les Hest .						10	120,100
I Adid did not res	earch the	sale of transfer	history of	f the su	ibject pro	operty	and comparable s	ales. If not, o	xplain						120,100
I A did did not res	earch the	sale of transfer	history of	the su	ibject pro	operty	and comparable s	ales. If not, o	xplain	_					120,7.00
							and comparable s	ales. If not, c	xplain						120,700
My research did X	did not r						and comparable s	ales. If not, c	xplain	ffectiv	ve date of this appra				.20,7.00
My research did X  Data source(s) REIN/M	did not r	oveal any prior s	ales or tr	ansfers	of the s	ubject	and comparable s	nles. If not, o	xplain		ve date of this appra	uisal.			120,730
My research did (X) Data source(s) REIN/M My research X did	did not r	oveal any prior s	ales or tr	ansfers	of the s	ubject	and comparable s	nles. If not, o	xplain			uisal.			125).66
My research did X  Data source(s) REIN/M  My research X did Data source(s) REIN/M	did not r ILS did not r ILS	eveal any prior s	ales or tr	ansfers	of the s	nbject	and comparable s property for the th	nles. If not, c	xplain or to the e	f sale	we date of this appra	sisal.			120,000
My research did X  Data source(s) REIN/M  My research X did Data source(s) REIN/M  Report the results of the rese	did not r ILS did not r ILS	eveal any prior s eveal any prior s d analysis of the	ales or tr	ansfers ansfers	of the s	compar	property for the the	nles. If not, c	xplain or to the e	f sale	ve date of this appra of the comparable	salc.			.25,, 60
My research did X Data source(s) REIN/N My research X did Data source(s) REIN/N Report the results of the rese	did not r ILS did not r ILS	eveal any prior s eveal any prior s d analysis of the	ales or tr	ansfers ansfers	s of the s	compare	and comparable s  property for the the rable sales for the comparable sales for the comparable sales for the subject proper co	nles. If not, c	xplain or to the e	f sale	we date of this appra	salc.	ge 3).		SALE NO. 3
My research did X Data source(s) REIN/M My research X did Data source(s) REIN/M Report the results of the rese ITEM Date of Prior Sale/Transfer	did not r ILS did not r ILS	eveal any prior s eveal any prior s d analysis of the	ales or tr	ansfers ansfers	s of the s	comparentory of	and comparable s  property for the th  rable sales for the  'the subject proper  COMPARABLE SA:  8/2014	nles. If not, c	xplain or to the e	f sale	ve date of this appra of the comparable	sale.	ge 3).	RABLE	
My research did X Data source(s) REIN/M My research X did Data source(s) REIN/M Report the results of the rese ITEM Date of Prior Sale/Transfer Price of Prior Sale/Transfer	did not r ILS did not r ILS	eveal any prior si eveal any prior si d analysis of the Si	ales or tra	ansfers ansfers	s of the so	tory of	and comparable s  property for the th  rable sales for the  (the subject proper  XMPARABLE SA  8/2014	ree years prive year prior to	arable sal	f sale	we date of this appras of the comparable port additional prior RABLE SALE NO.	sale.	ge 3). COMPAI	RABLE	
My research did X Data source(s) REIN/M My research X did Data source(s) REIN/M Report the results of the rese ITEM Date of Prior Sale/Transfer Price of Prior Sale/Transfer Data Source(s)	did not r LS did not r LS carch an	eveal any prior so d analysis of the SI	ales or tra	ansfers ansfers	s of the so	tory of 07/2 \$172	and comparable s property for the th rable sales for the (the subject proper XMPARABLE SA 8/2014 2,651 Records/REI	ree years prive year prior to	arable sal	f sale	ve date of this appras of the comparable in port additional prior RABLE SALB NO.	salc. r sales on pa 2   06/	ge 3). COMPAI	RABLE 4	SALE NO. 3
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## Notice of Action Taken and Statement of Reasons

Today's Date

Applicant Name and Address Paul R Davis, Jr 120 KIDD BLVD, NORFOLK, VA 23502

April 17, 2015

Description of Account, Transaction or Requested Credit
Conventional mortgage

Property Address 120 KIDD BLVD, NORFOLK, VA 23502

We have carefully considered the credit application and sincerely regret that we are unable to approve the application at this time for the reason(s) indicated below. The decisions reflected below apply to applicant listed above unless otherwise noted.

Value or type of collateral not sufficient

If you have any questions regarding this notice, you should contact:

Creditor's Name: Wells Fargo Bank, N.A.

Phone: 800-258-6649

Creditor's Address: 800 WALNUT ST, 9TH FLOOR, DES MOINES, IA 50309-3605

Our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request to us, no later than 60 days after you receive this notice, for disclosure of the nature of this information.

Thank you for considering us for your financing needs. Although we cannot be of service to you right now, you have our promise of immediate attention any time you choose to call on us for future assistance.

Notice: The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is:

Bureau of Consumer Financial Protection 1700 G Street NW Washington, DC 20006



HCFG-00078

Notice of Action Taken and Statement of Reasons

### Notice of Action Taken and Statement of Reasons

Applicant Name and Address Patricia Ann Davis 120 KIDD BLVD, NORFOLK, VA 23502

Today's Date
April 17, 2015

Description of Account, Transaction or Requested Credit
Conventional mortgage

Property Address 120 KIDD BLVD, NORFOLK, VA 23502

We have carefully considered the credit application and sincerely regret that we are unable to approve the application at this time for the reason(s) indicated below. The decisions reflected below apply to applicant listed above unless otherwise noted.

· Value or type of collateral not sufficient

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Creditor's Name: Wells Fargo Bank, N.A.

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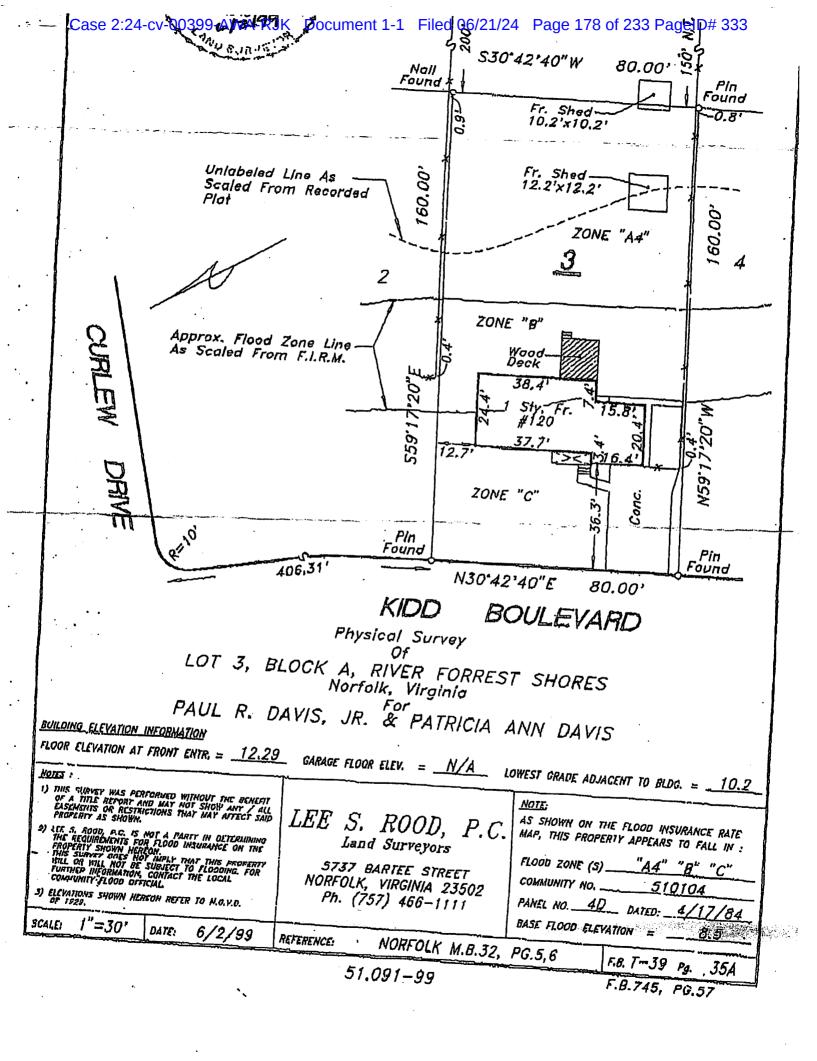
Notice: The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is:

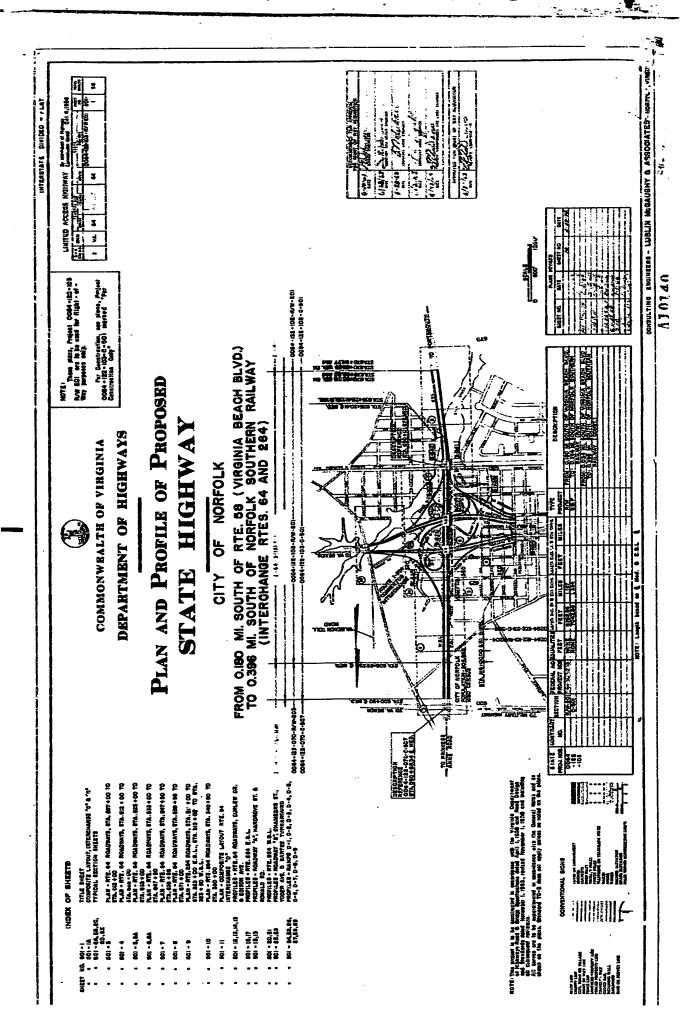
Bureau of Consumer Financial Protection 1700 G Street NW Washington, DC 20006

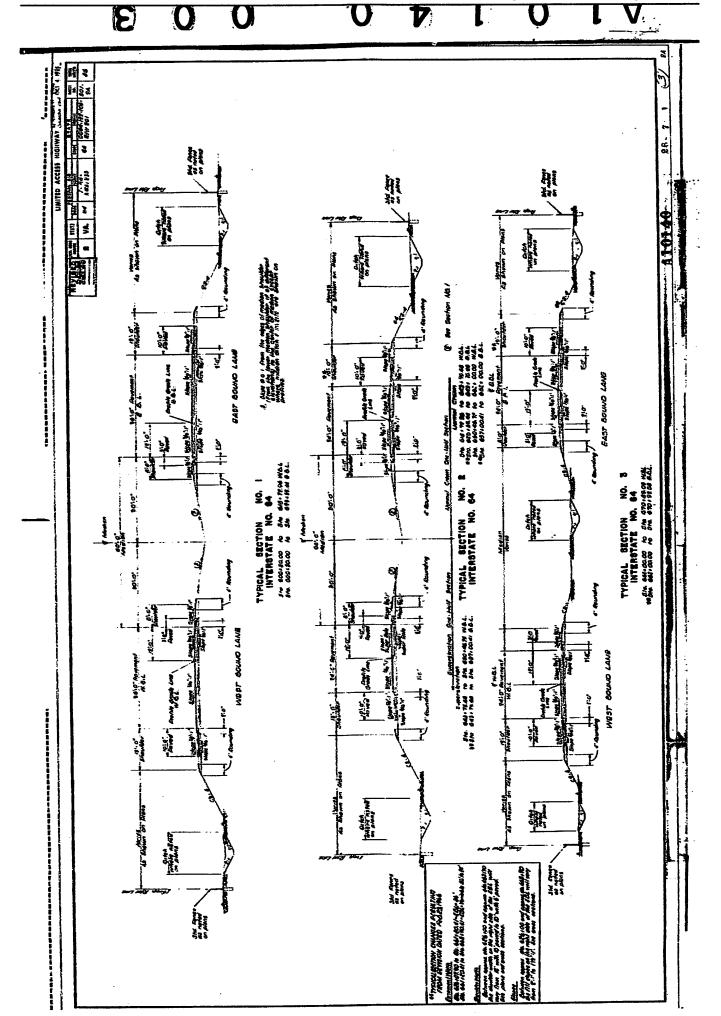


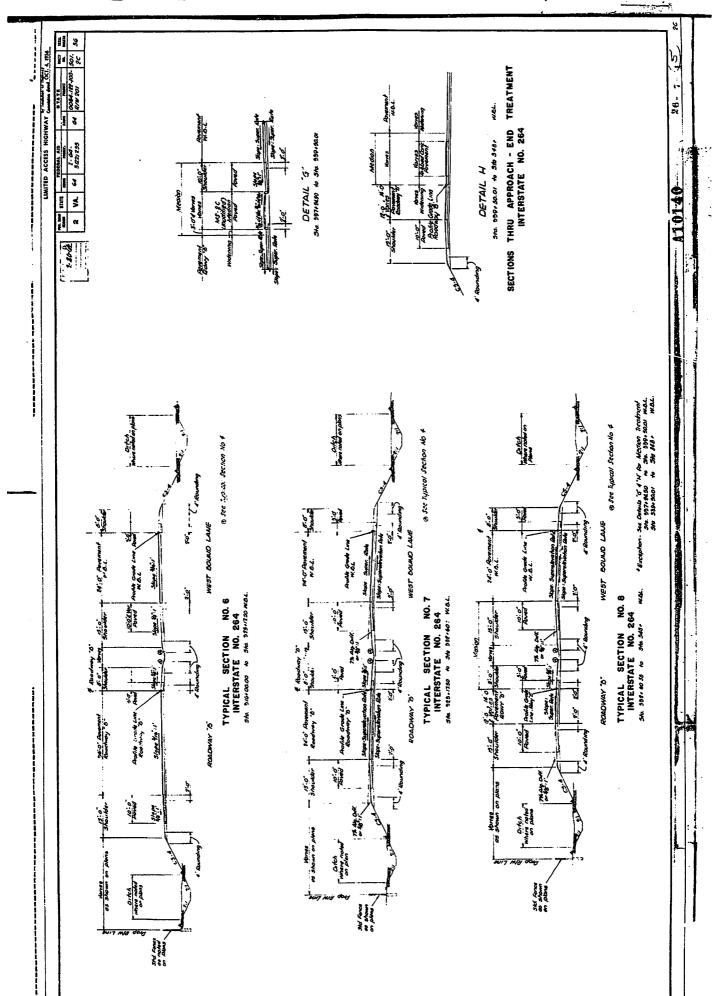
HCFG-00078 Notice of Action Taken and Statement of Reasons

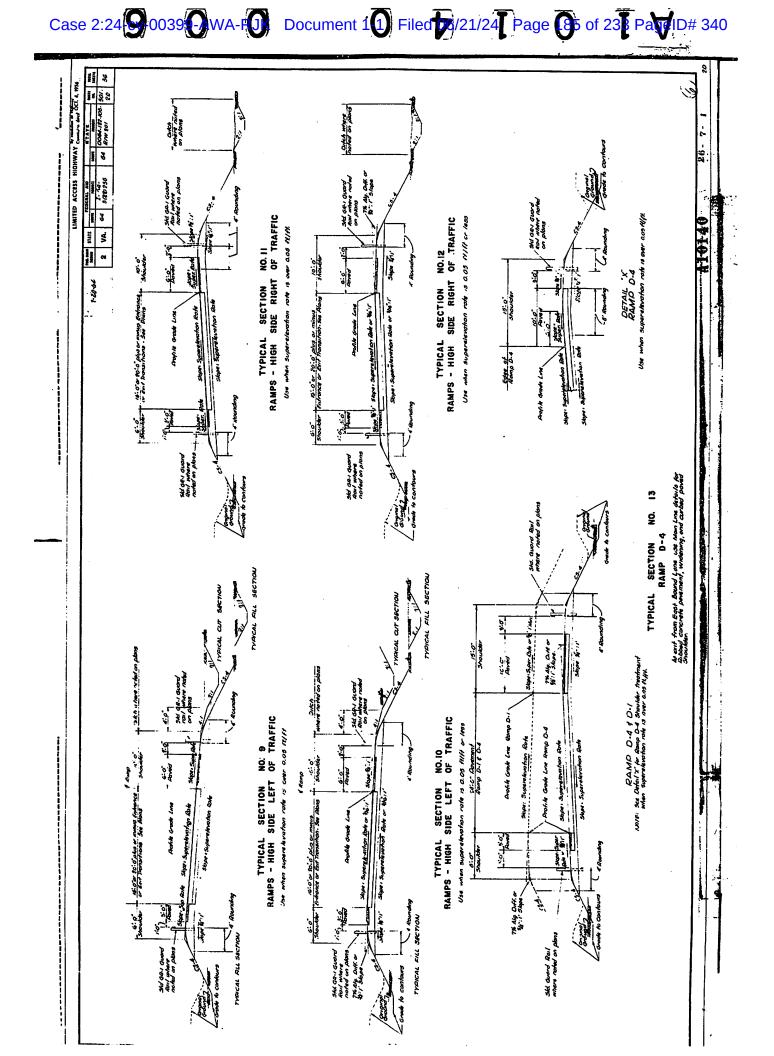
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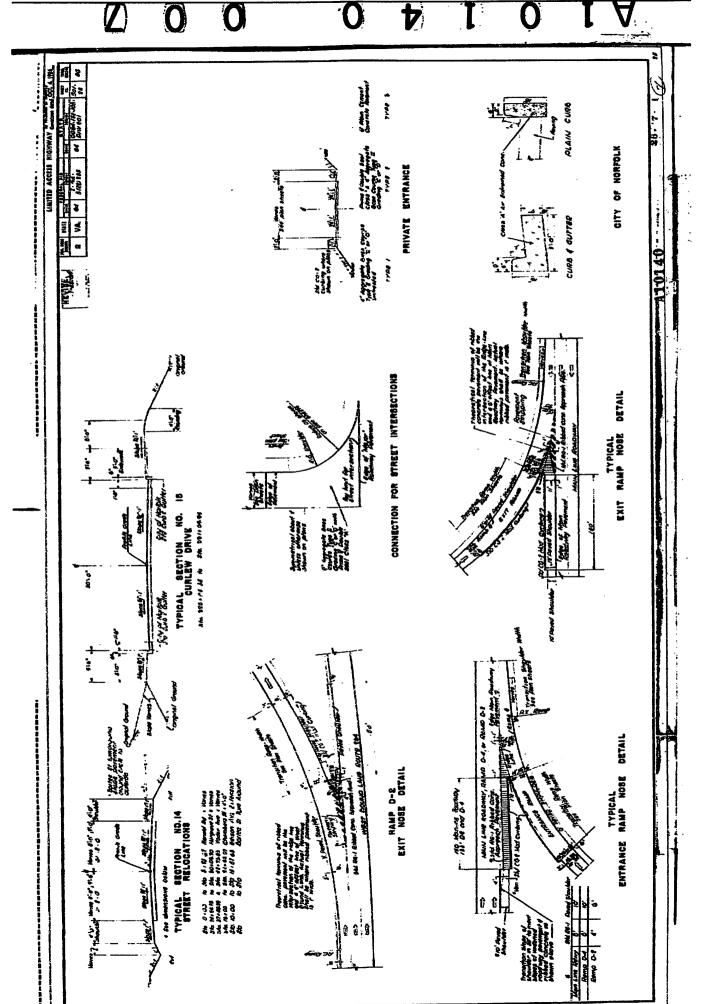


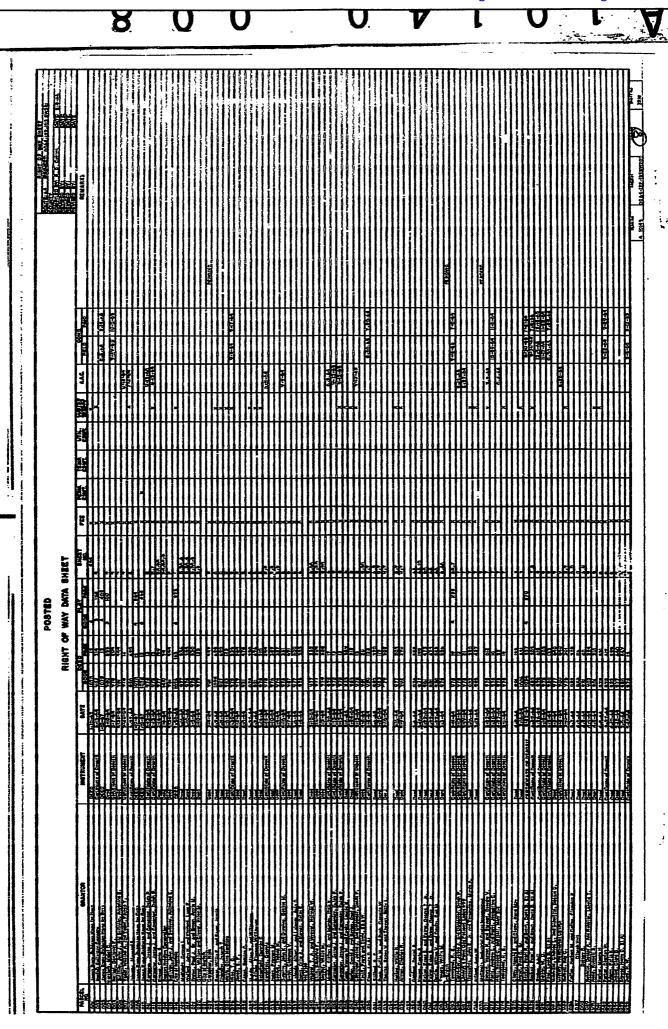


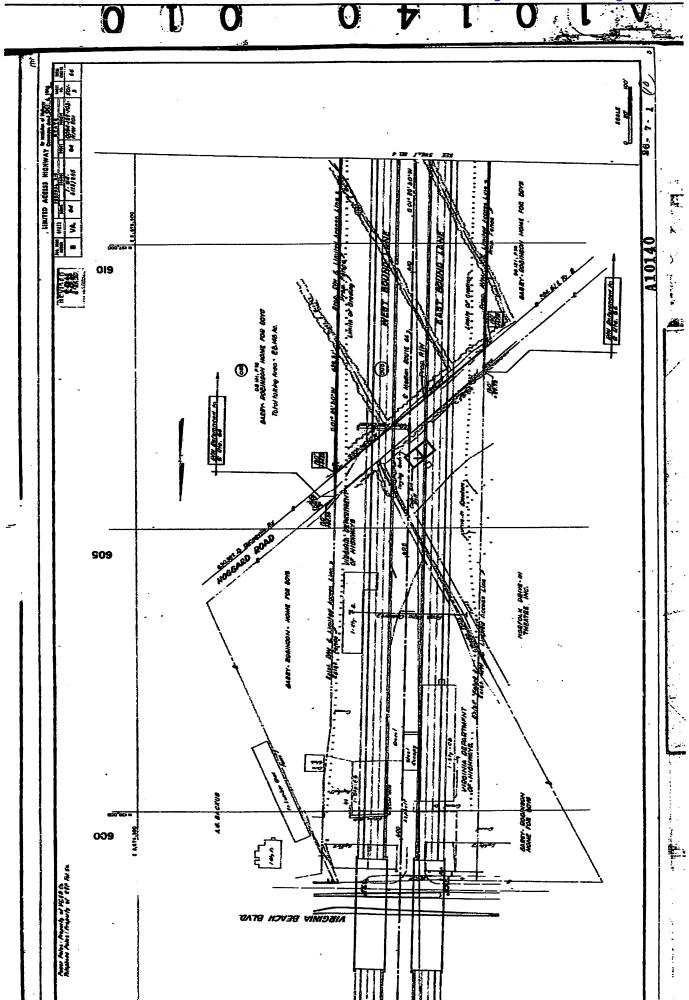


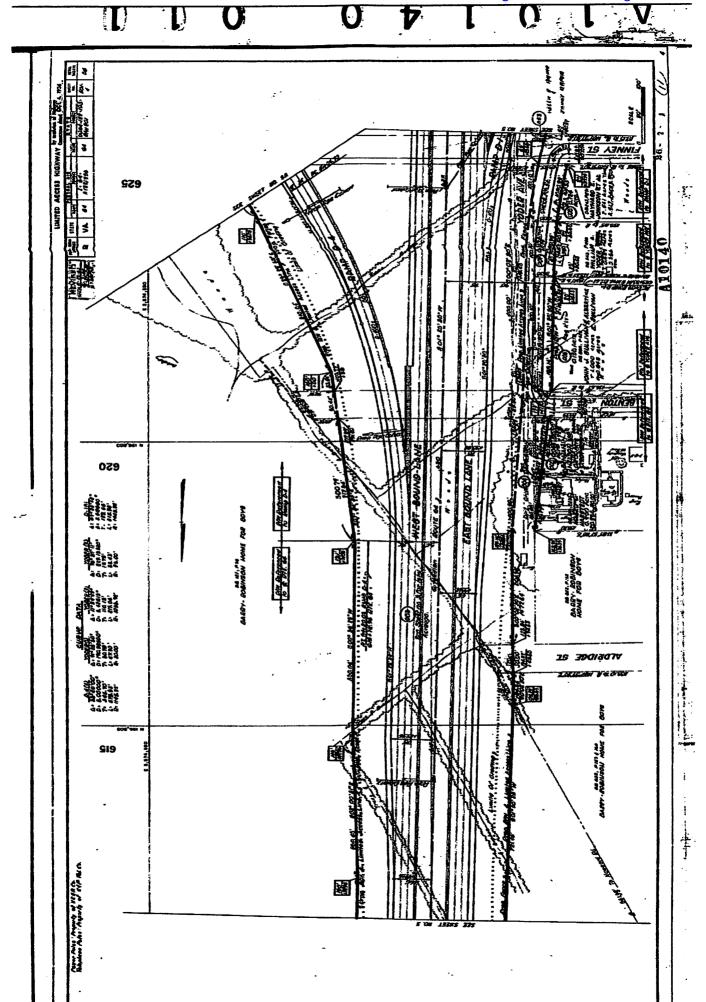


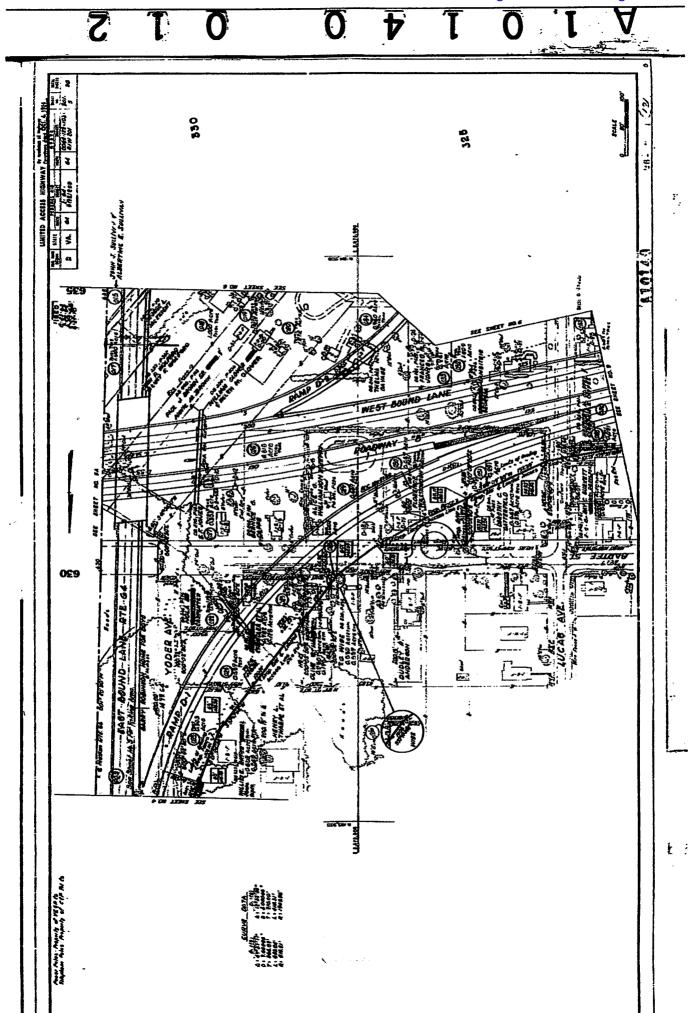


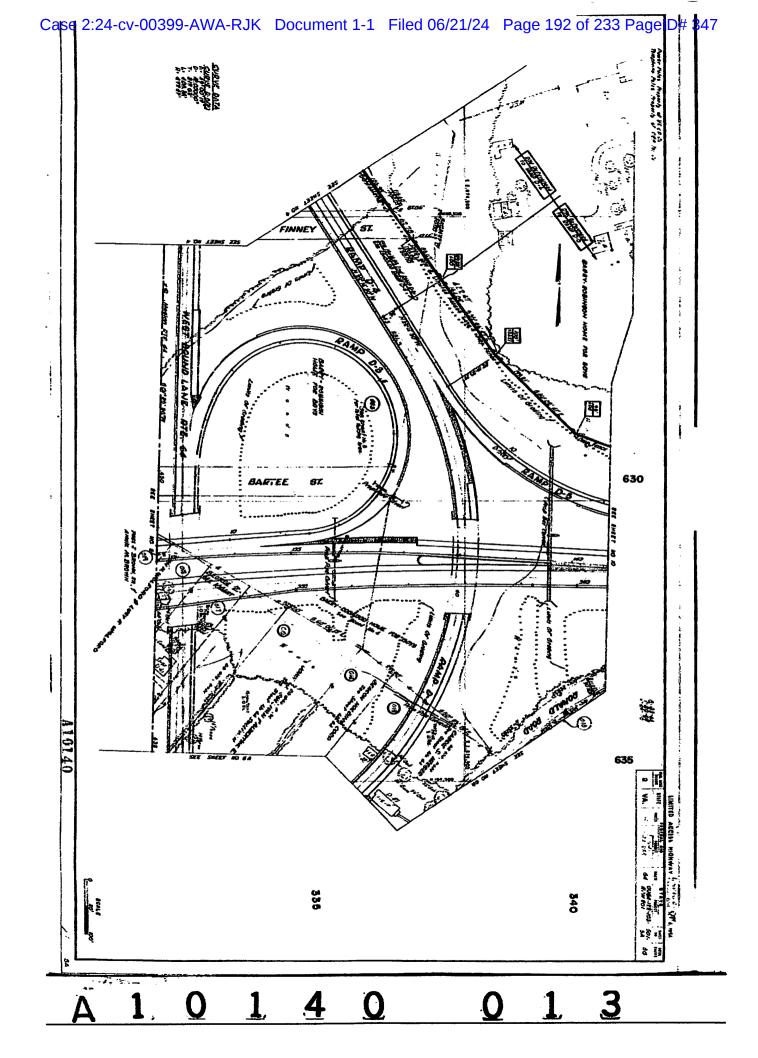


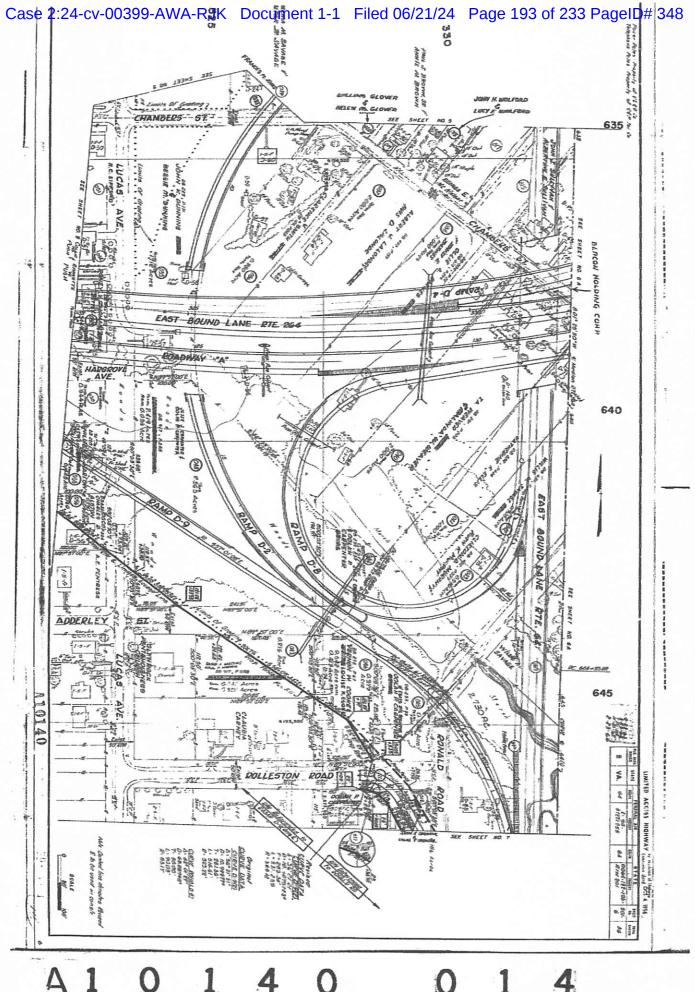


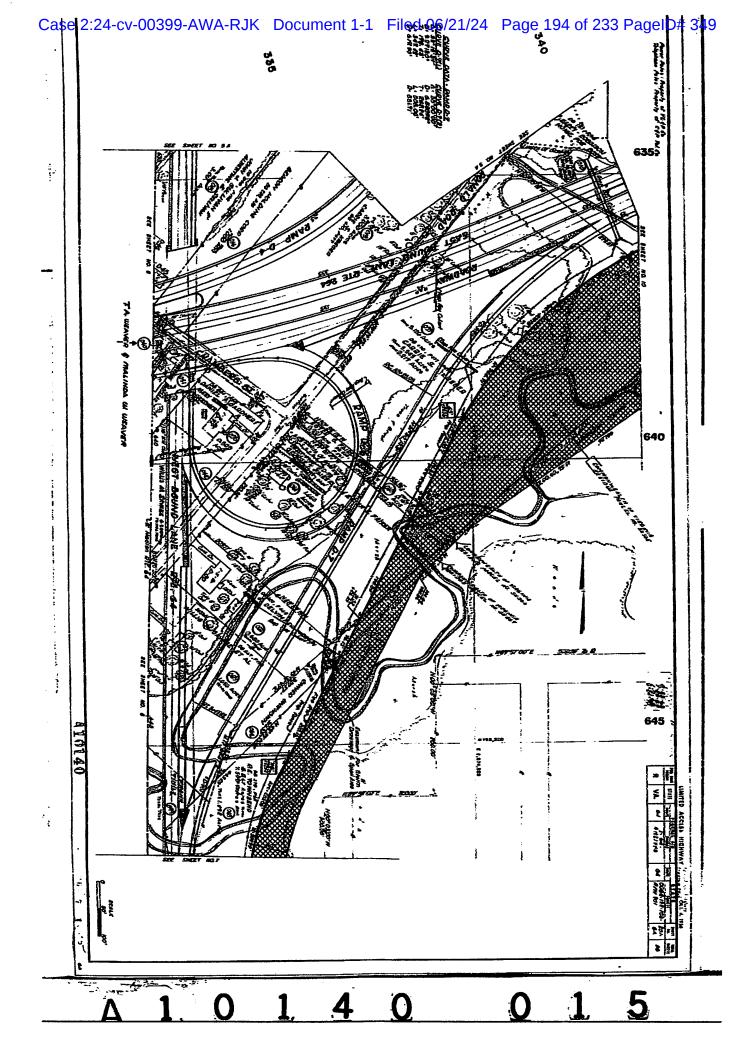


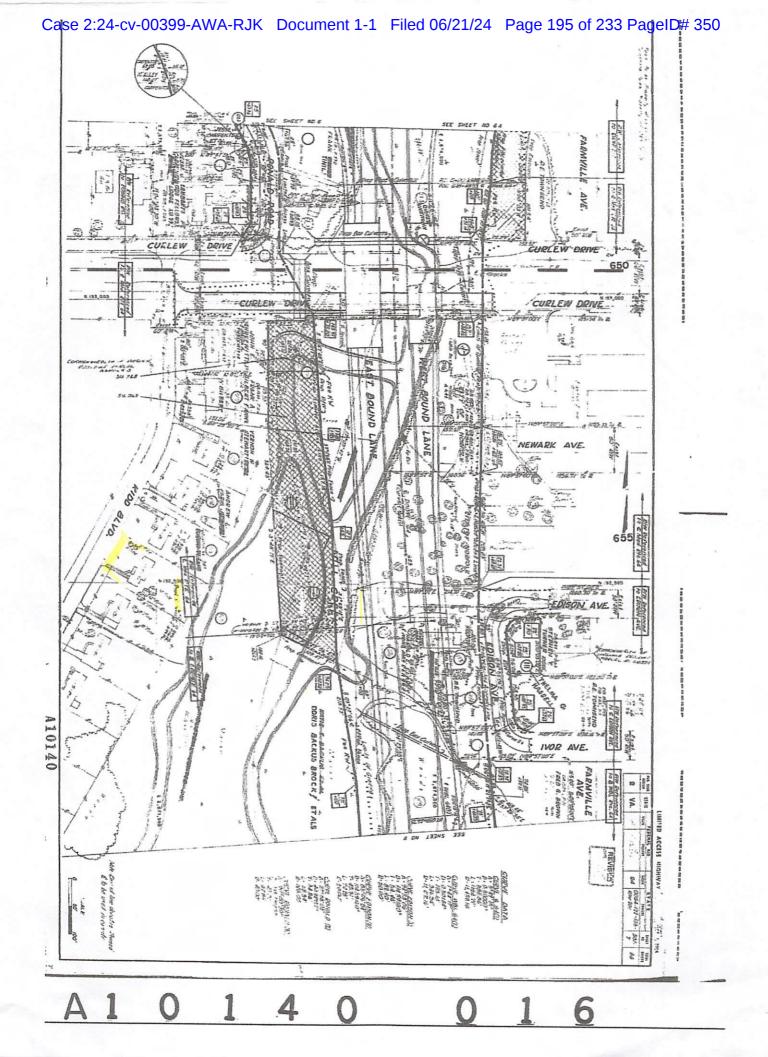


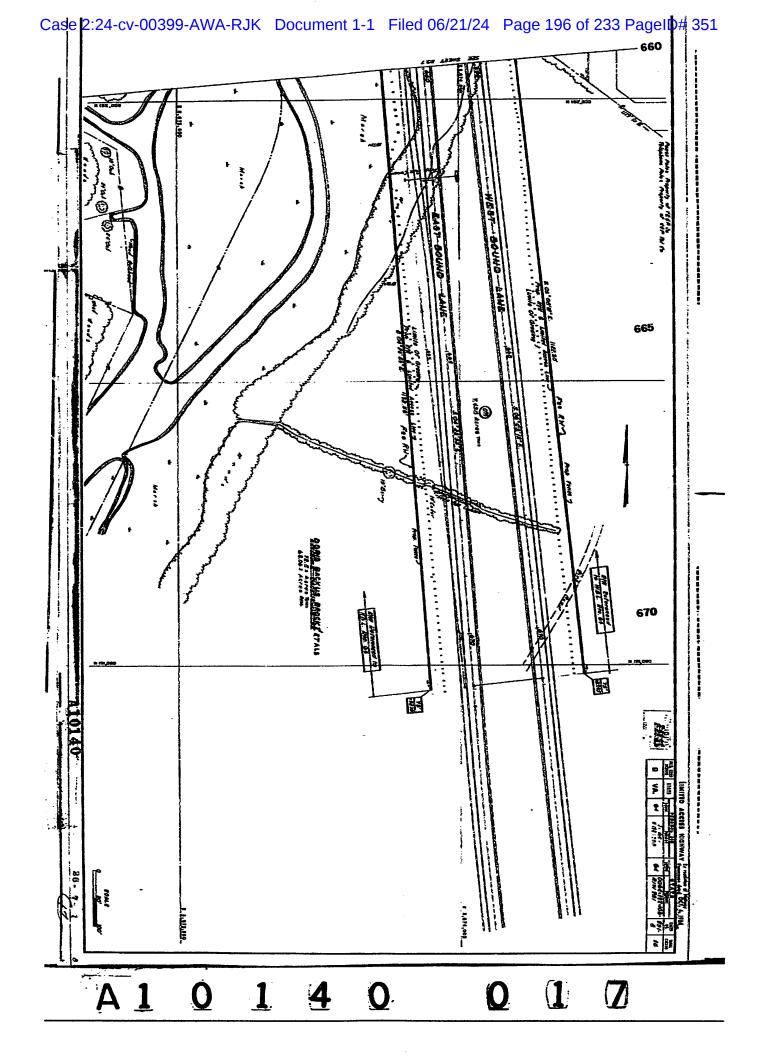


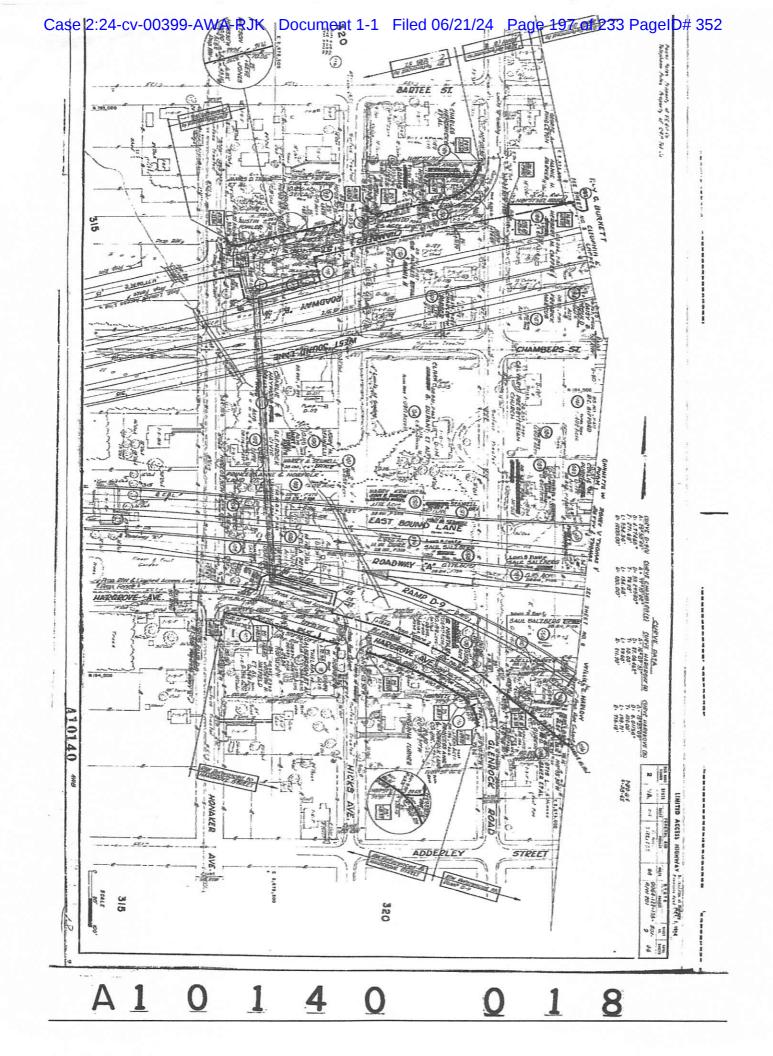


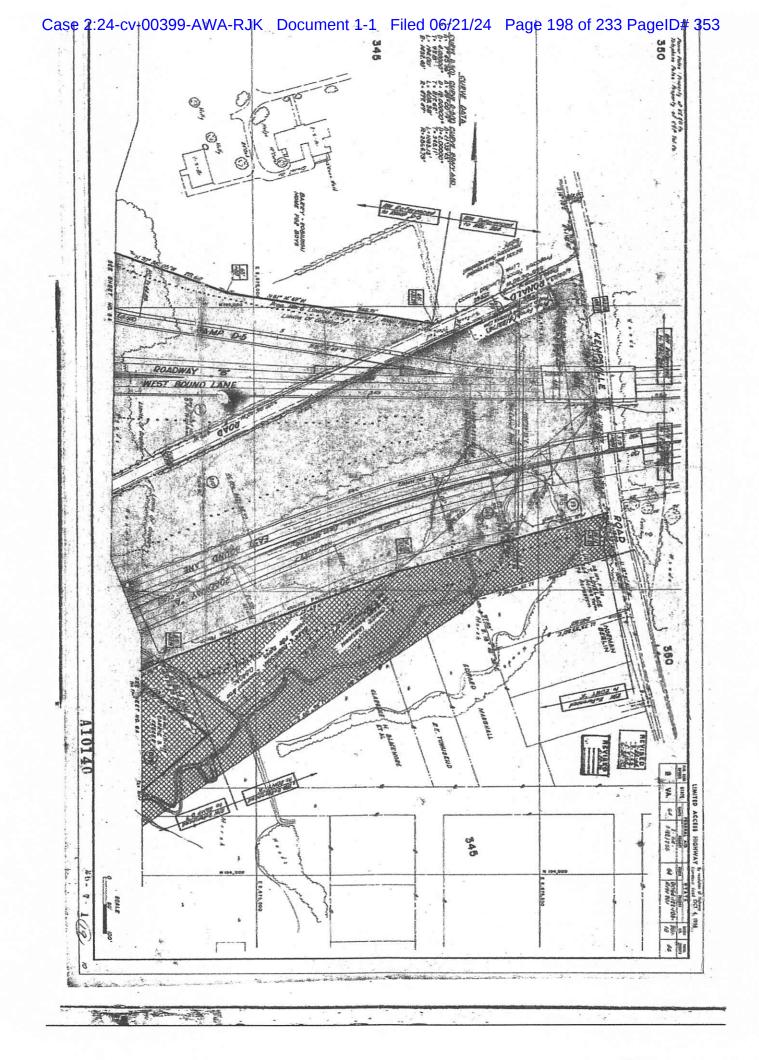


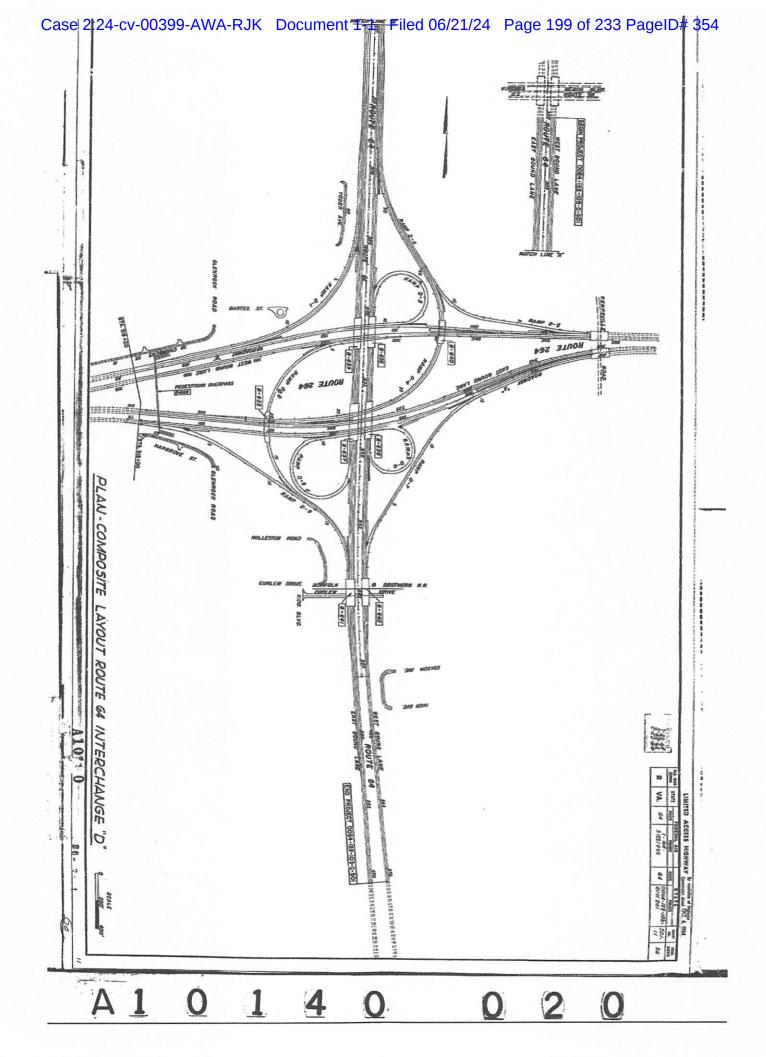


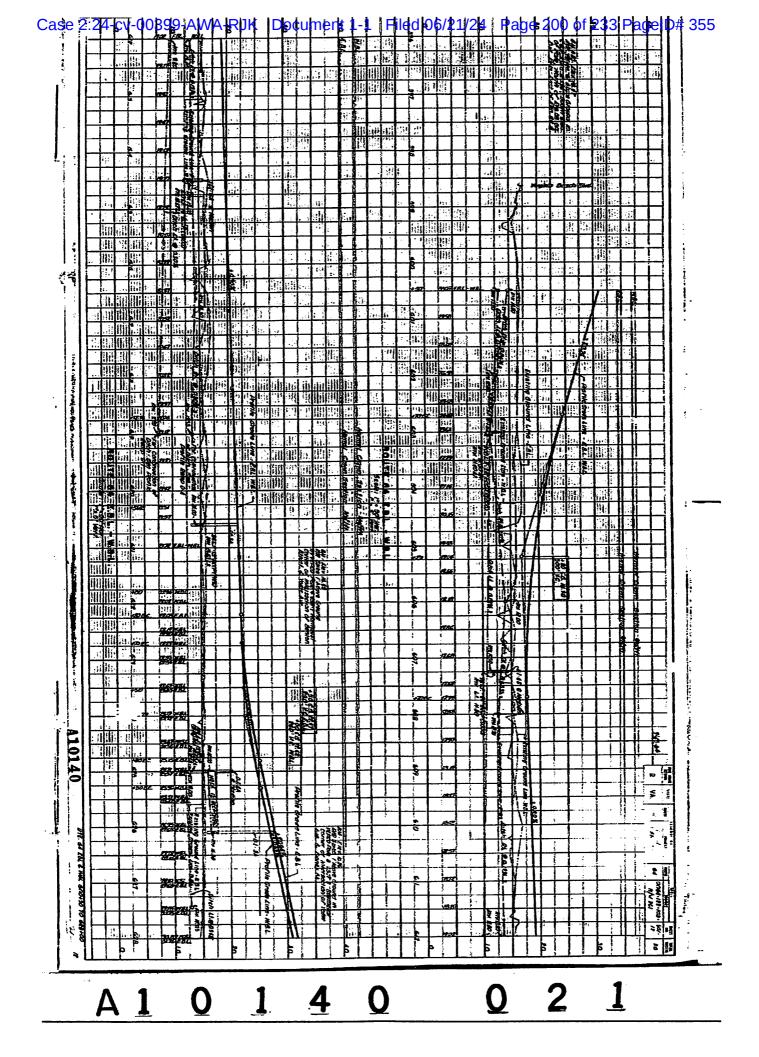


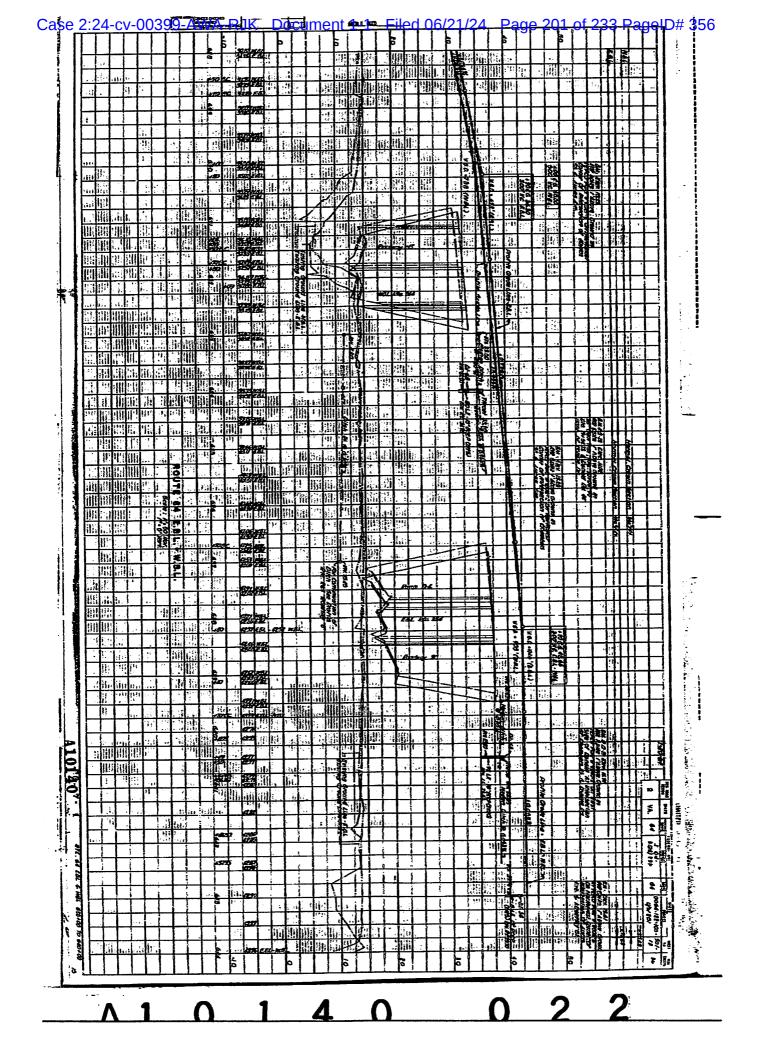


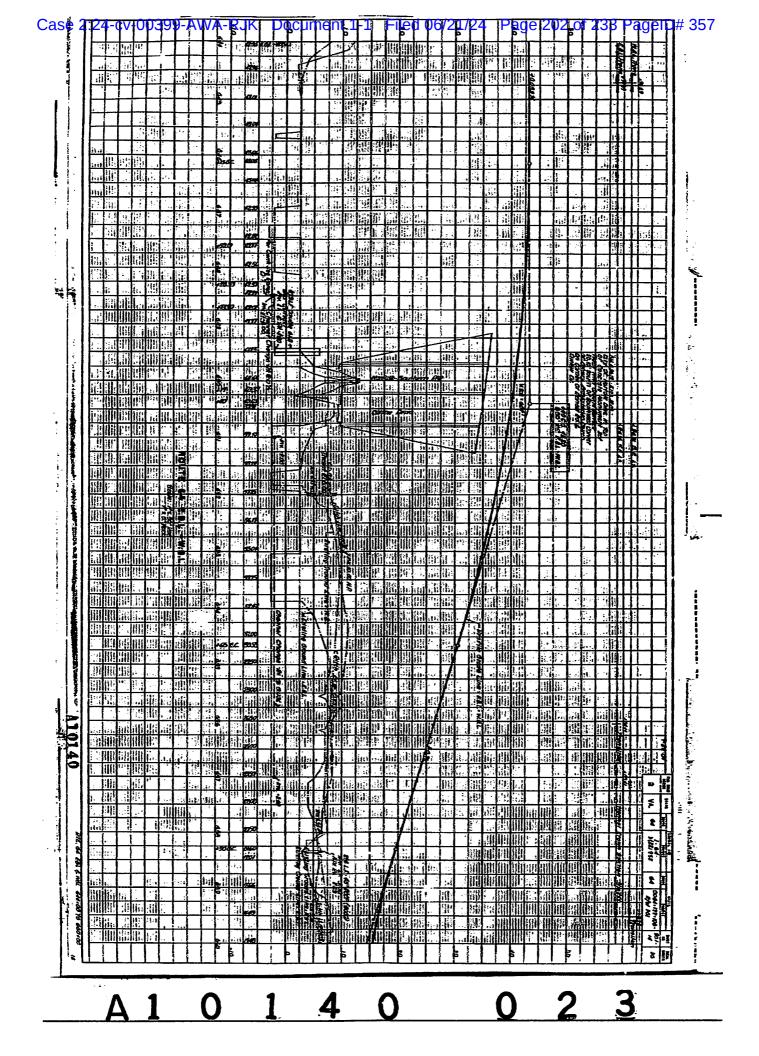


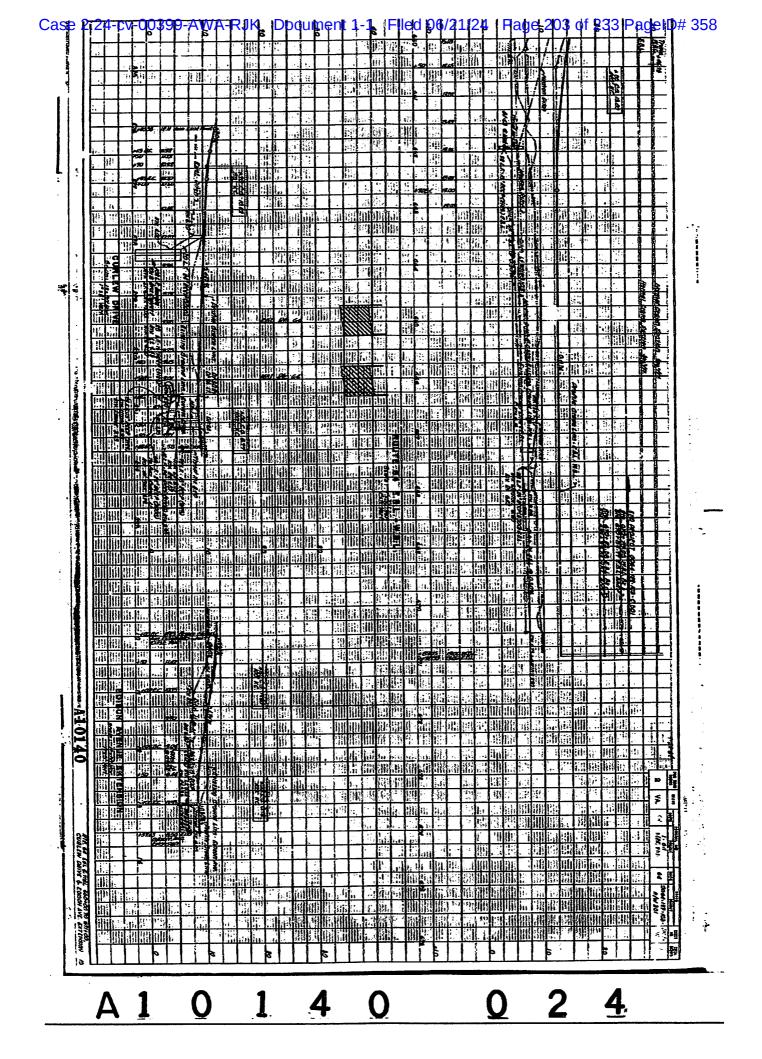


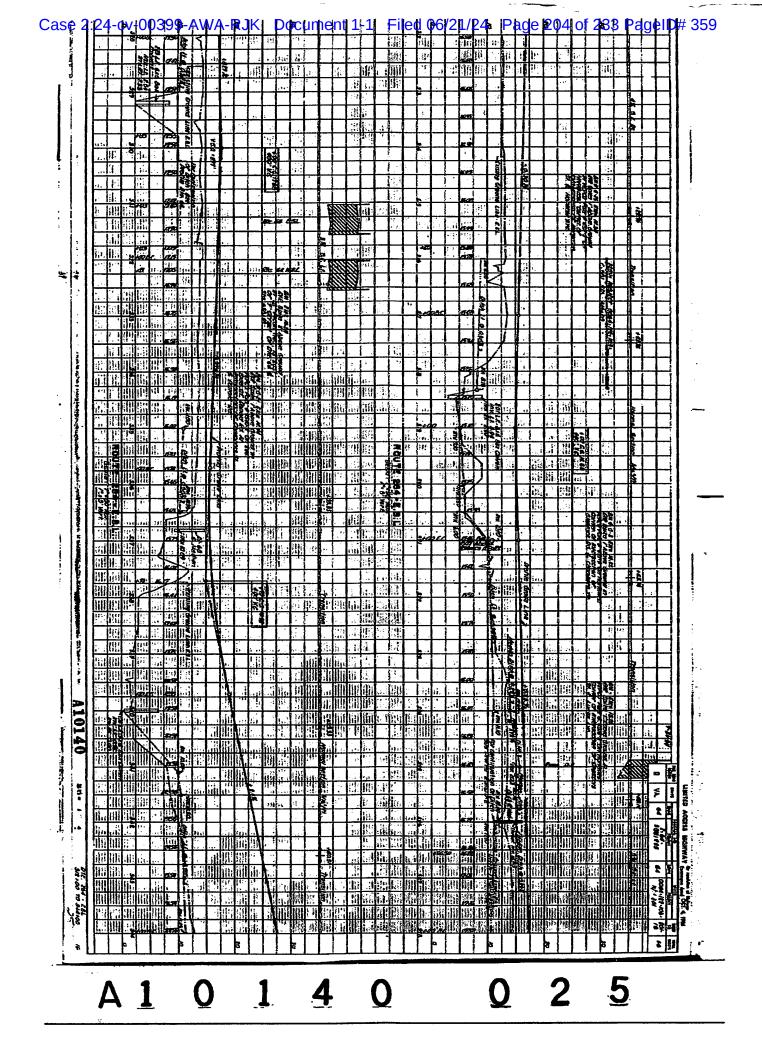


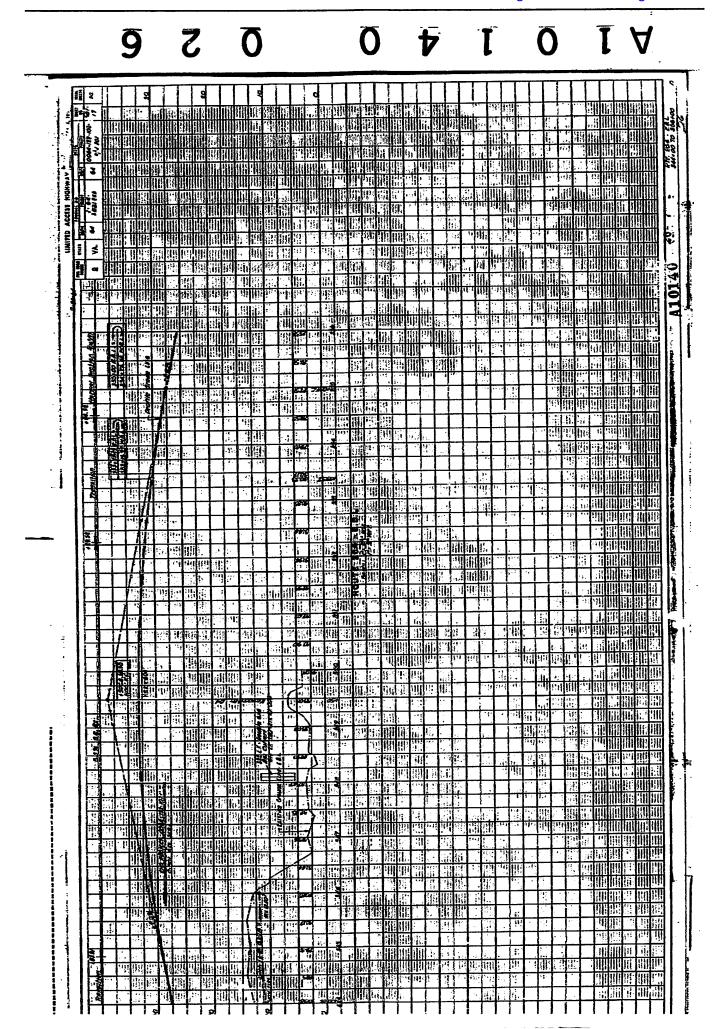


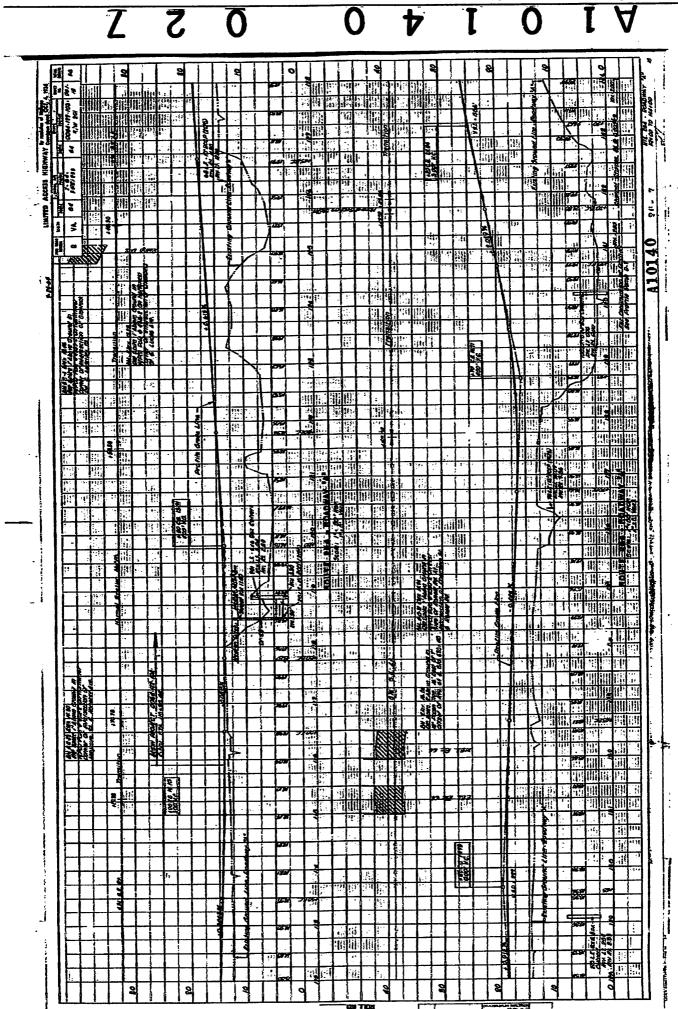


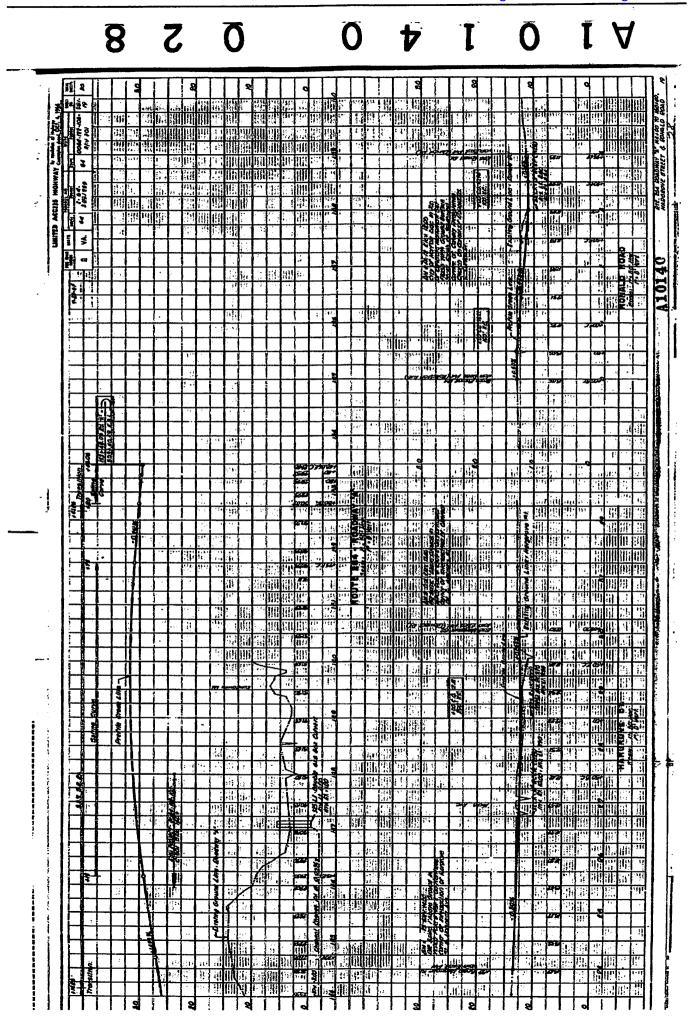




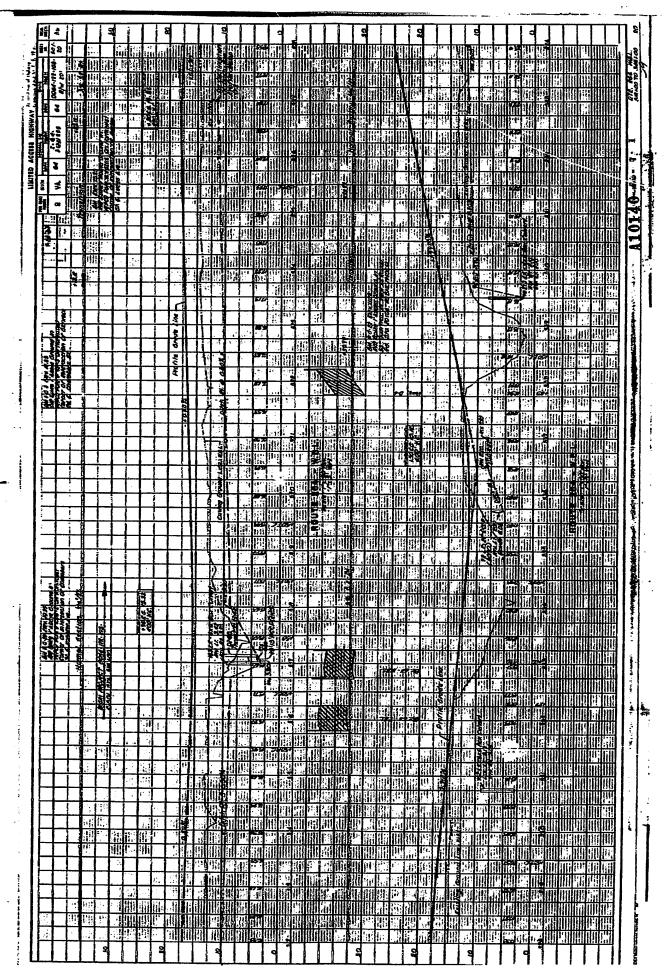


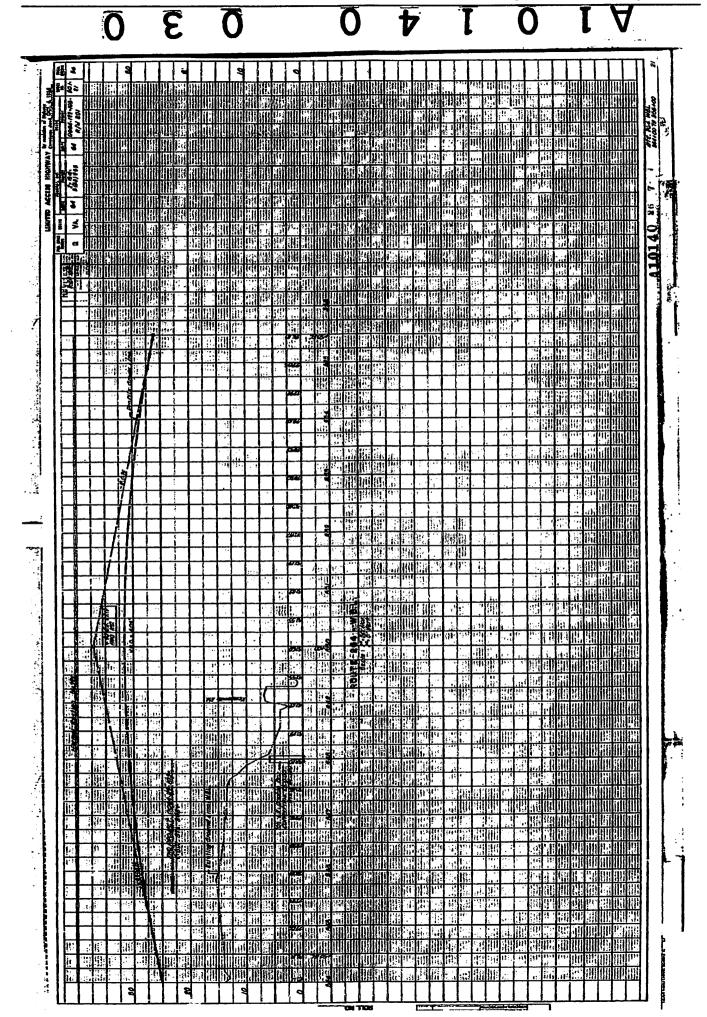


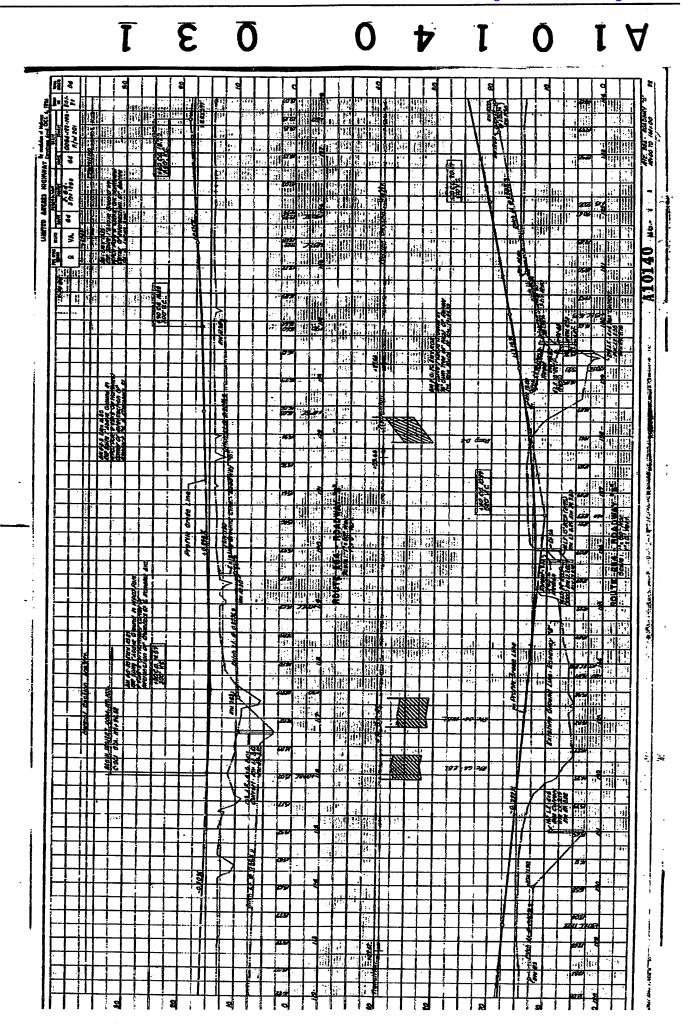




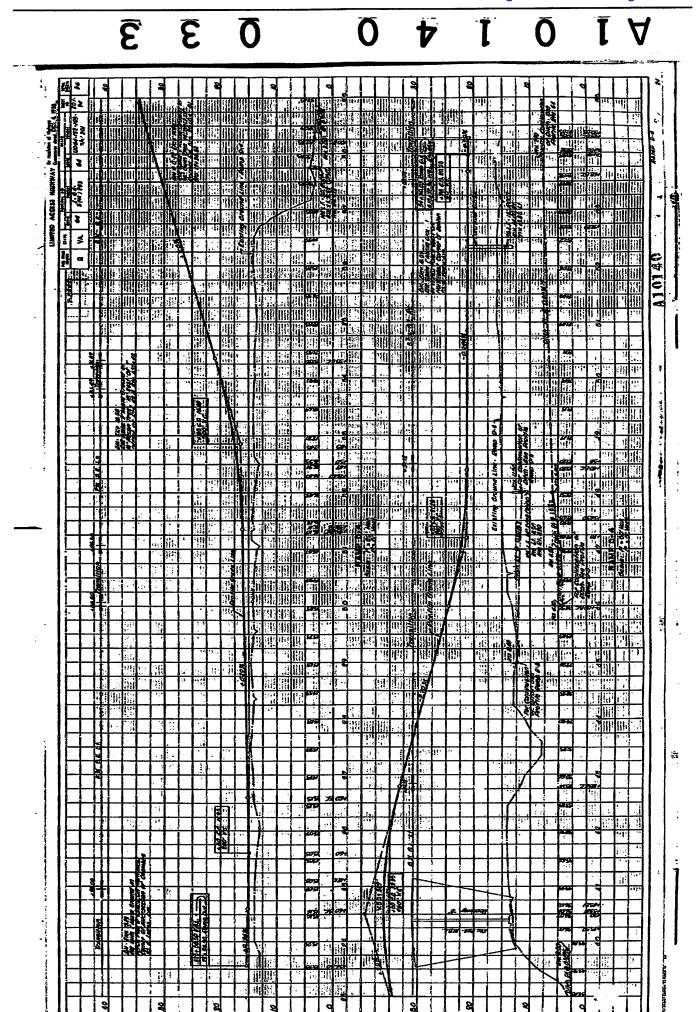
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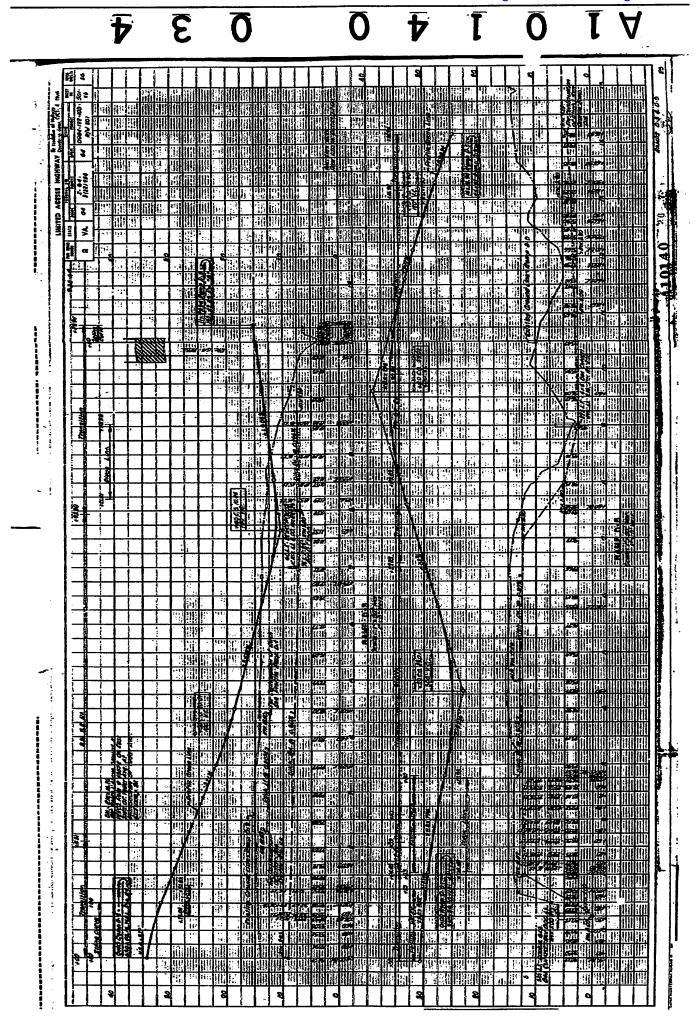


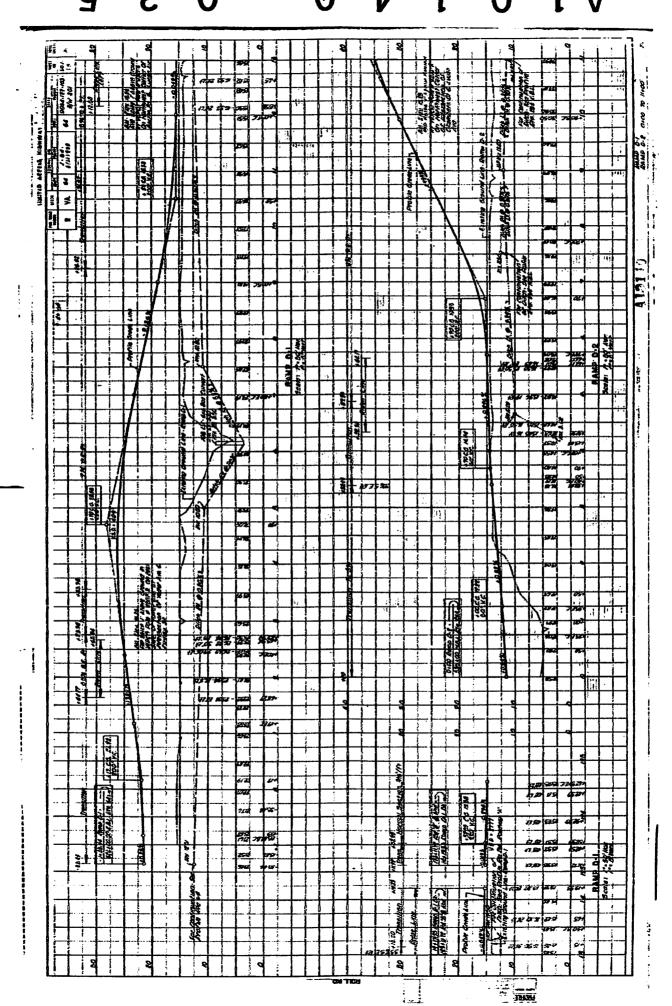


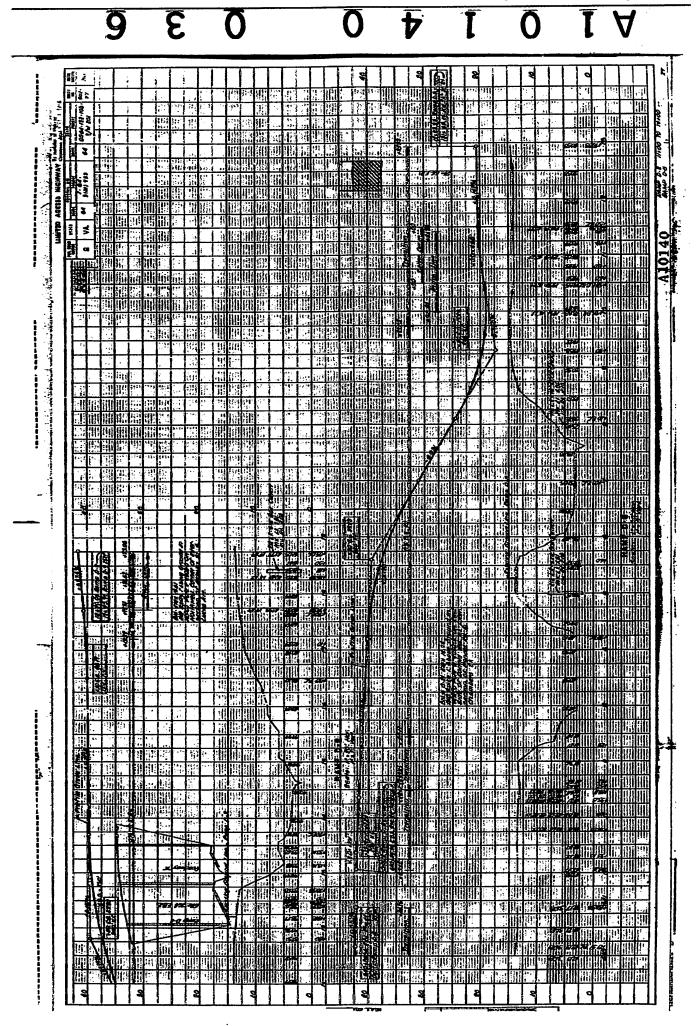


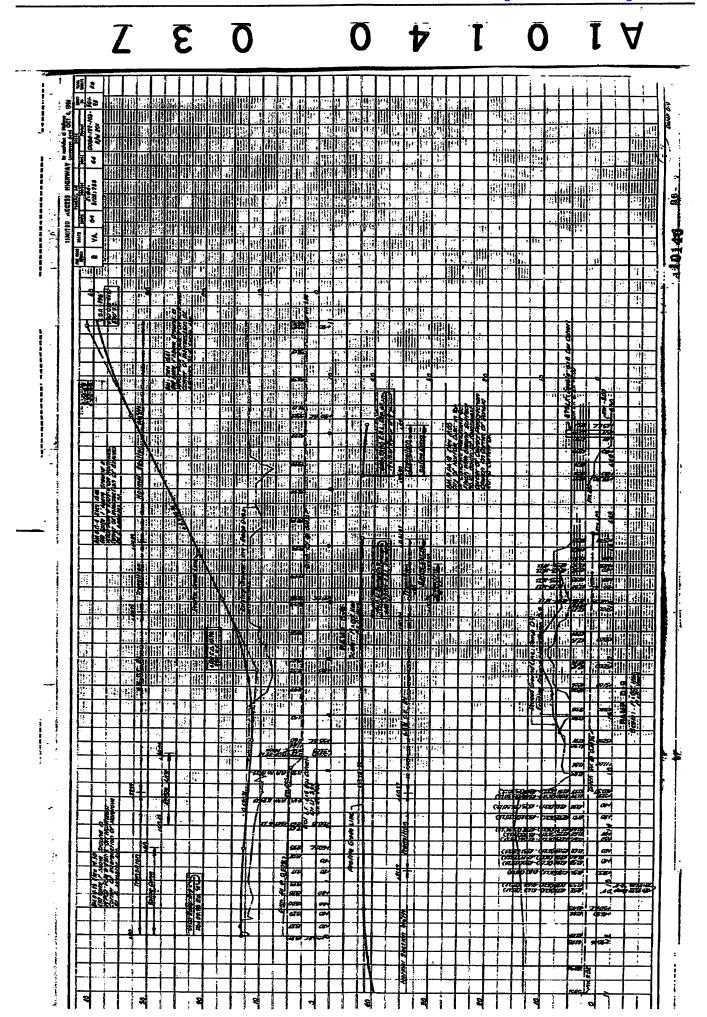
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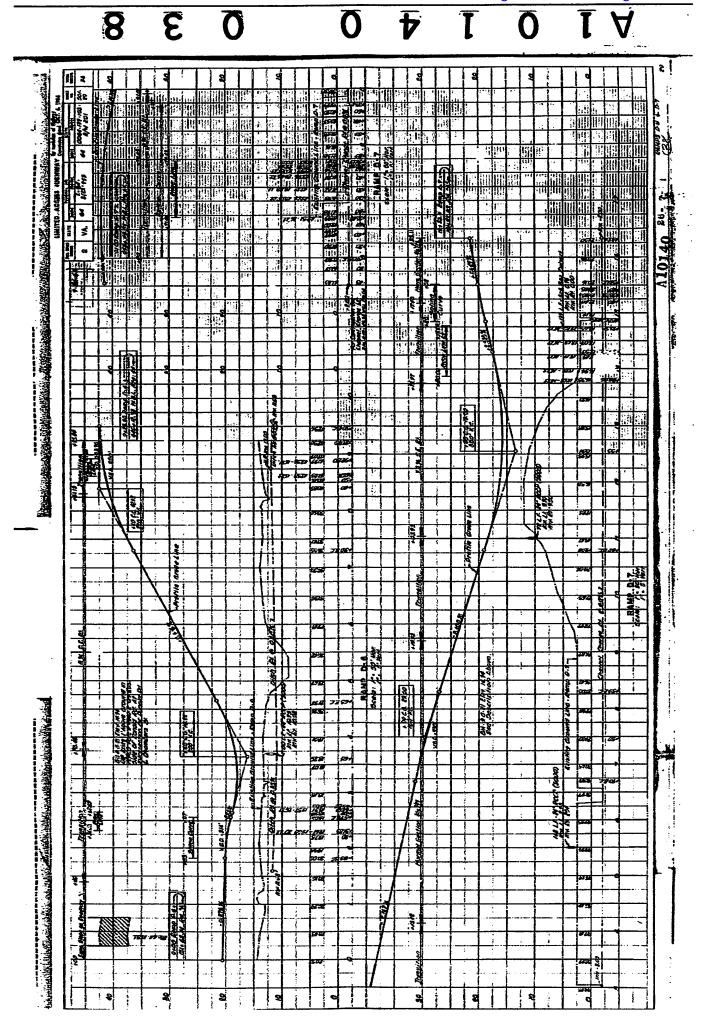


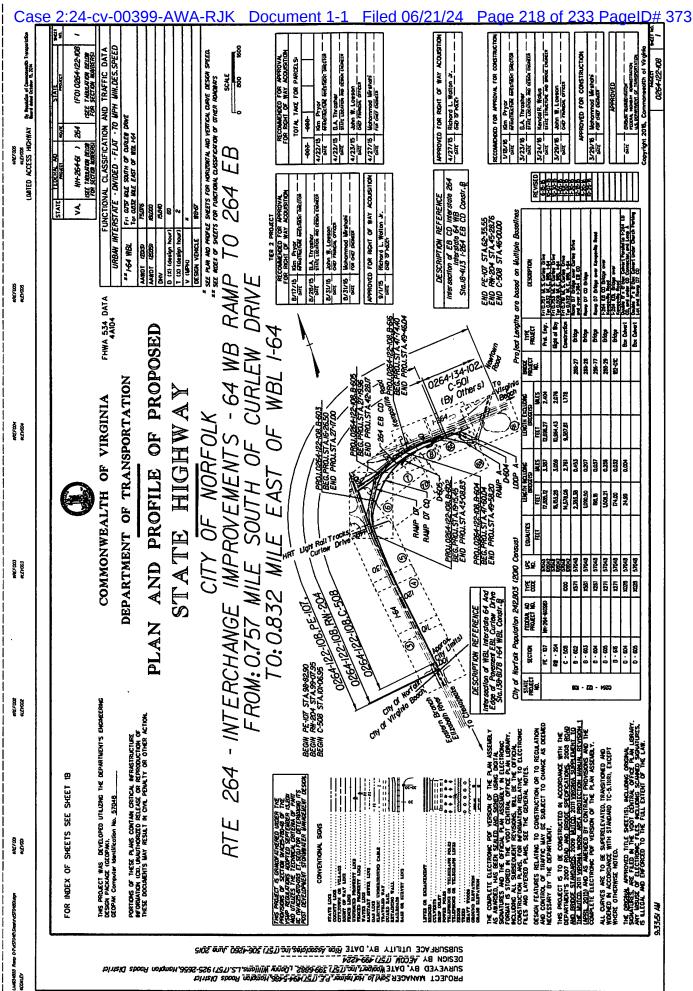






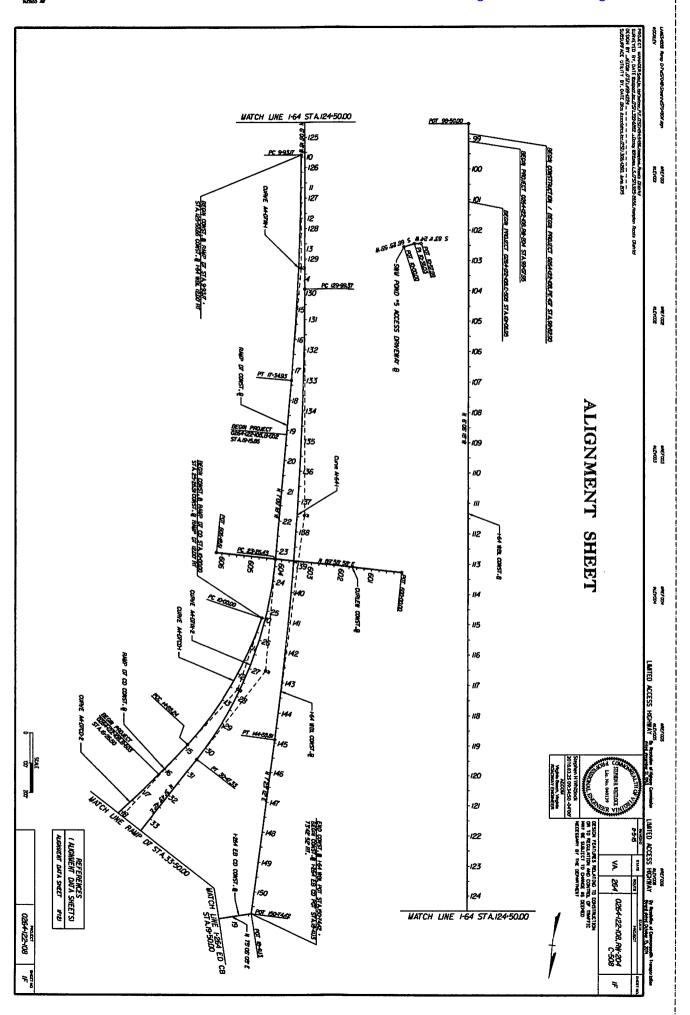


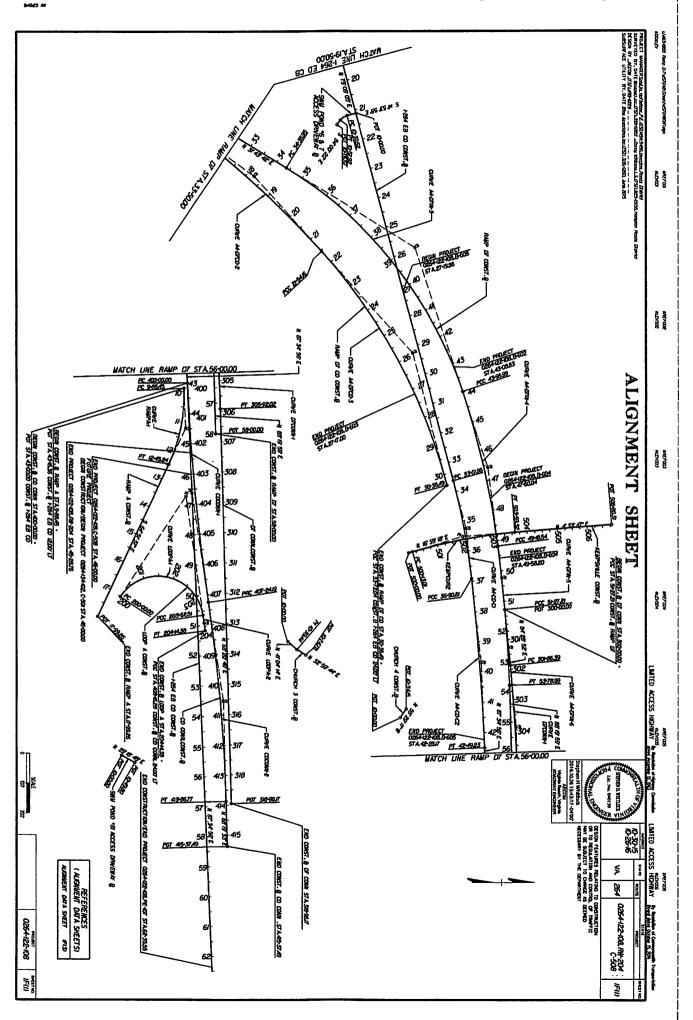


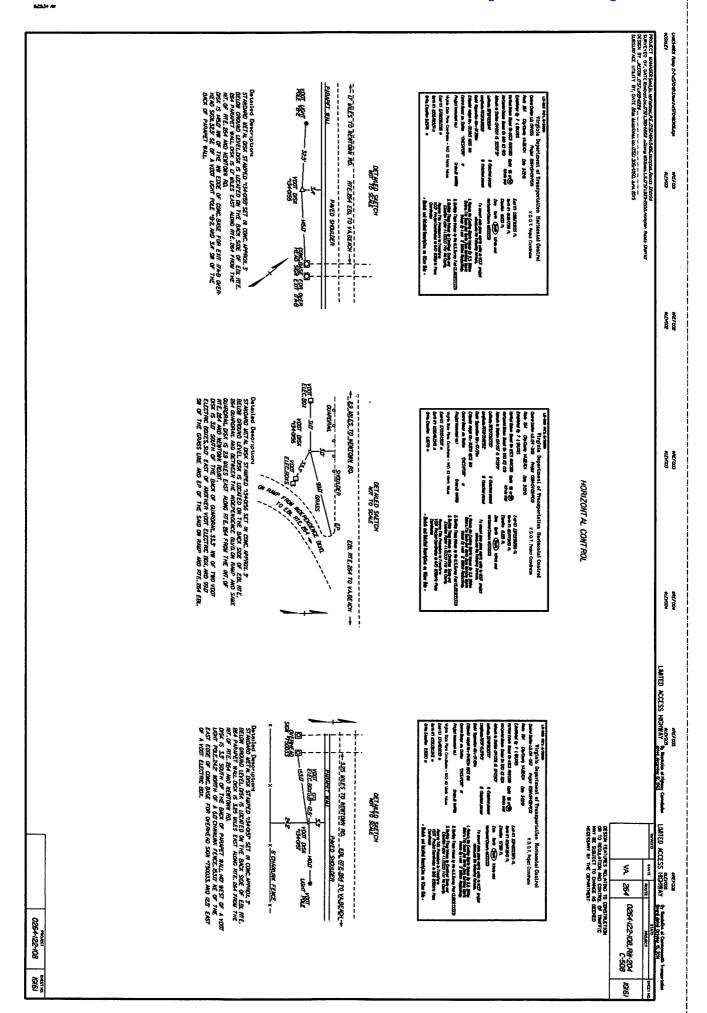


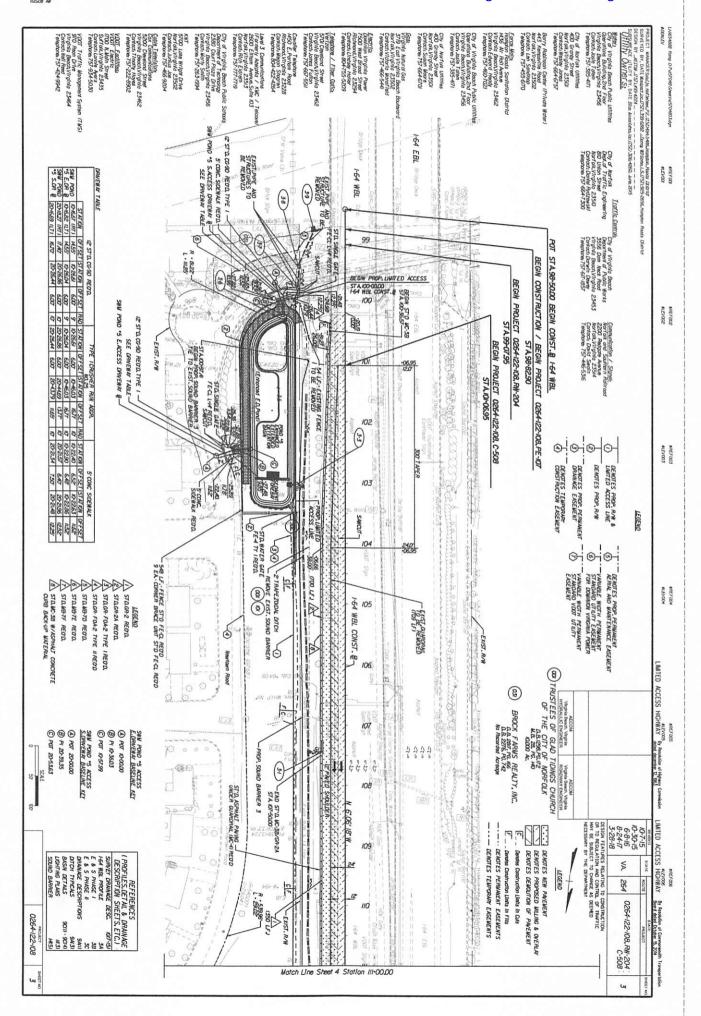
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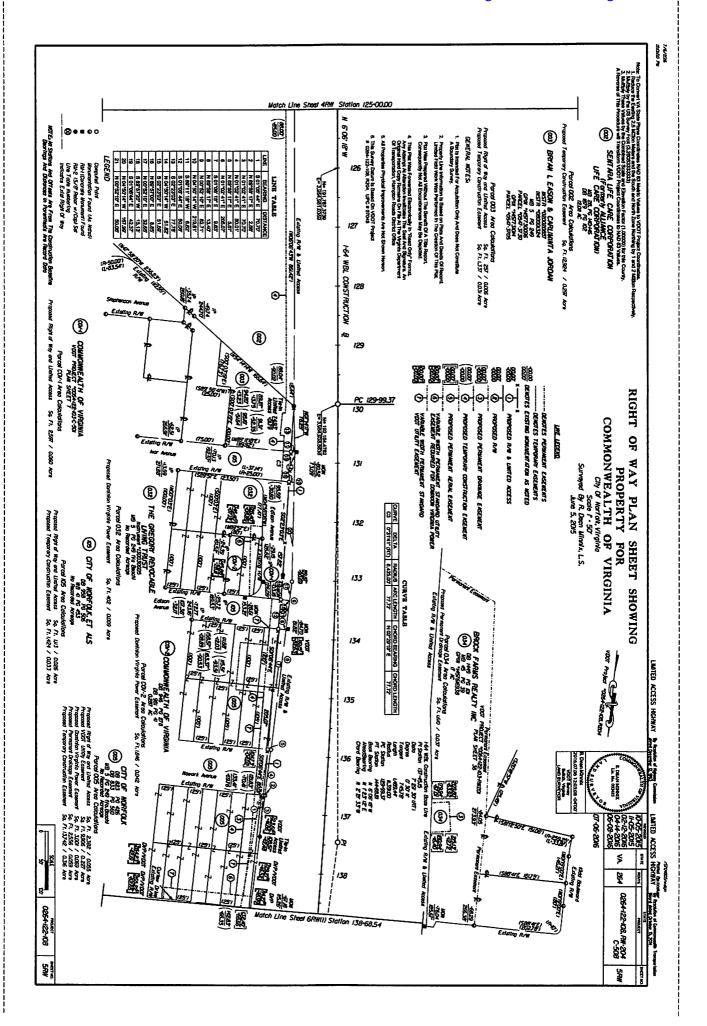
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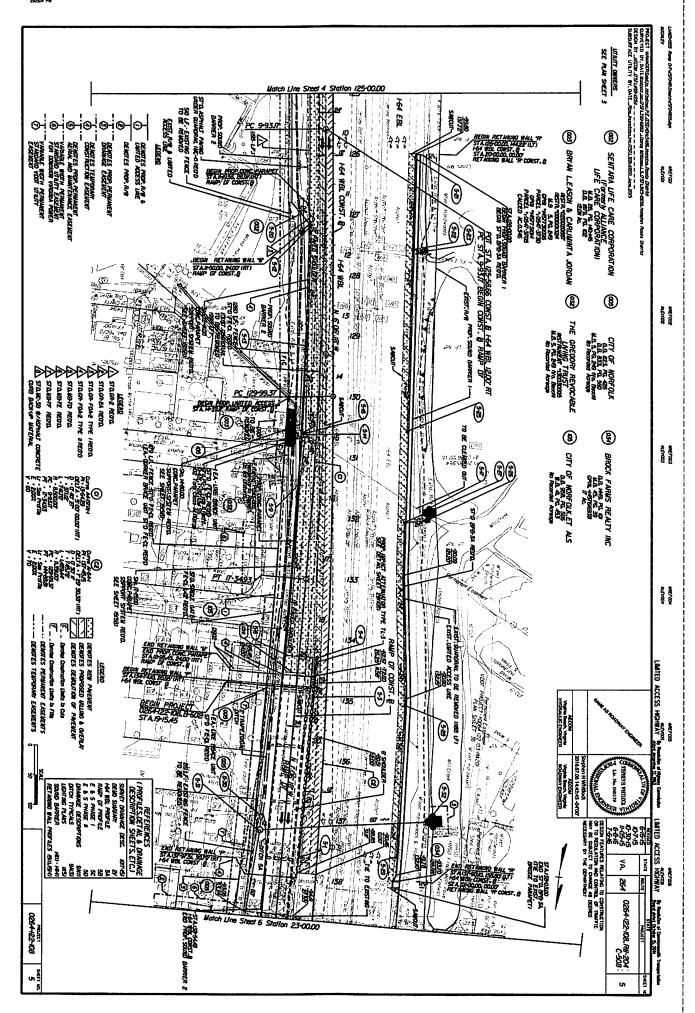


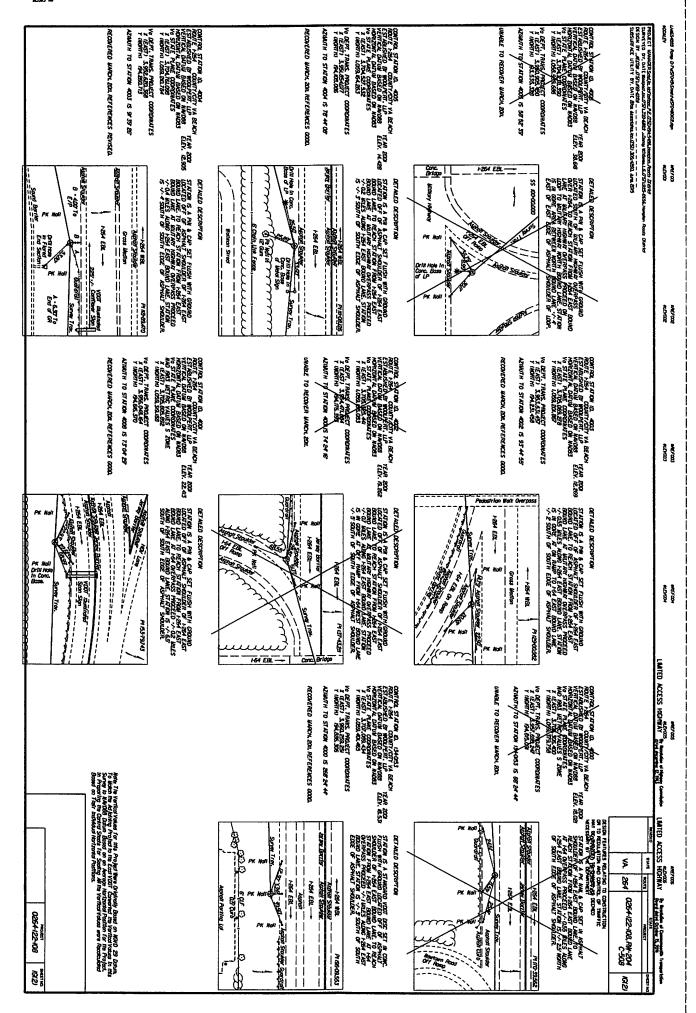


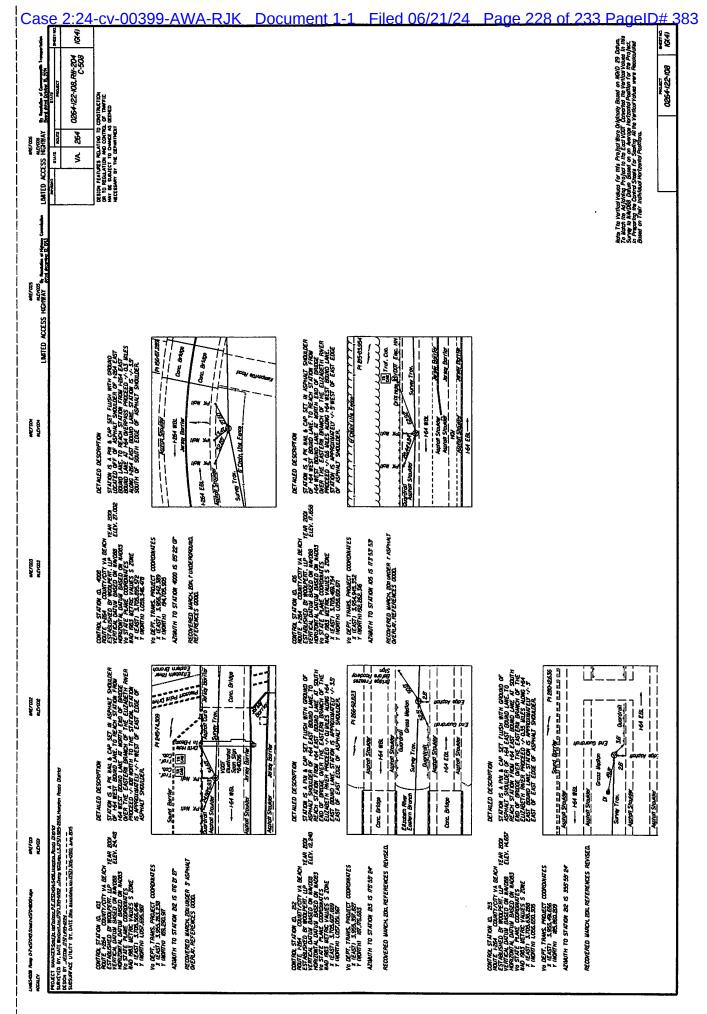


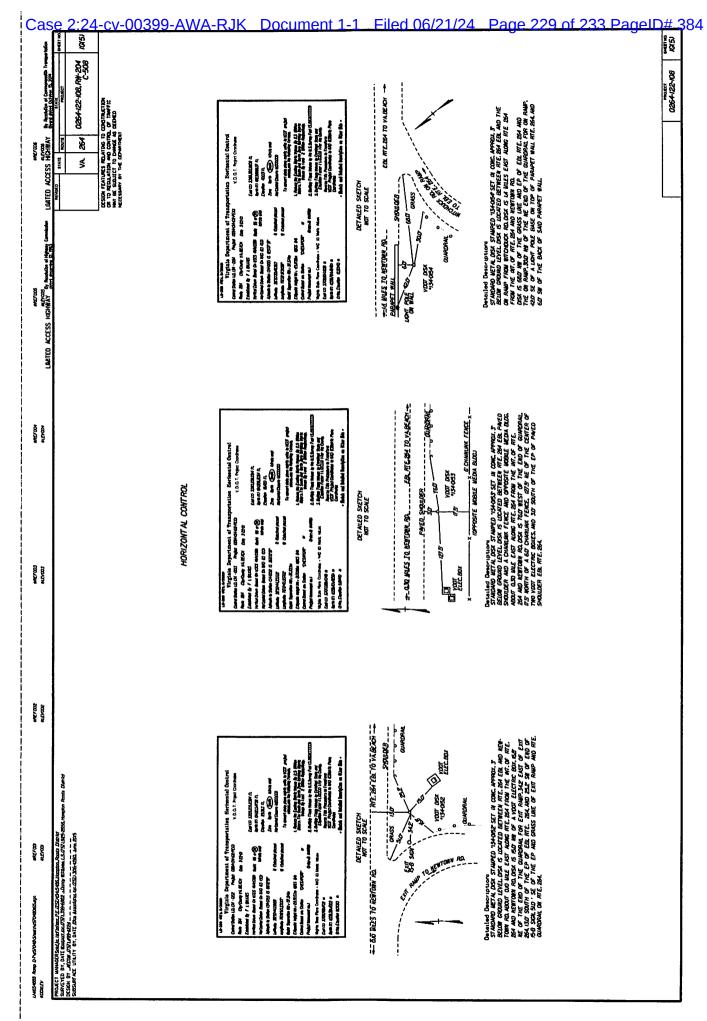












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